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JUDICIAL DEPARTMENT

CRIMINOLOGY

And

PENOLOGY

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PREFACE

It was to my pleasure and pride that I have been charged by the Judicial Department in the Emirate of Abu Dhabi to issue this book. I accepted, not only because of the honor it bestowed upon me - especially I have been lecturing in English Departments in Faculties of law in the International Islamic University in Malaysia, University of Alexandria and University of Mansourah in Egypt - but also because I consider it as a humbled contribution and a sacred duty towards the students of the English Departments as well as the practitioners in the United Arab of Emirates, such as lawyers, legal consultants, public prosecutors and judges. They may find it of assistance and that it will be useful for them.

In this occasion, it is adequate to express high appreciation and gratitude to His Highness Sheikh Mansour Bin Zayed Al Nahyan the Vice Prime Minister of UAE, the Minister of the Presidential Affairs, the Head of Judicial Department in Abu Dhabi, who availed me this occasion to contribute with my humbled effort in the Criminal jurisprudence field especially in English Language.

Finally, I pray Allah to help me to the right path.

Prof. Dr. M. Shokry El-Dakkak

Part I

Criminology

Chapter One

Importance of Criminology as a Human Science

By criminology we mean the science whose purpose is the study of the phenomenon called criminality, in its entire extent (this is theoretical or 'pure' criminology) whilst side by side with this theoretical science, and founded upon its conclusions, we have what is called practical or applied criminology. Criminology is an inductive science which, like other inductive sciences, observes the facts with the greatest possible exactitude, and endeavors with the aid of available methods to trace the causes of the phenomena coming to its notice (etiology). Vere scire est per causas scire-as Bacon has already taught us.

The subject-matter, therefore, of the science of criminology is criminality, i.e. the crimes which are committed and the persons who commit them; the juridical aspect of the problem, i.e. the legal formulation of the various crimes being at best a matter of indirect interest to the criminologist.

1. Crime and Morality

It may be useful to state briefly what exactly is meant by crime. From the formal or legal point of view, a crime is an action on which the community (in casu the State) has set a punishment-a definition which, like most formal definitions, does not take us much further. Another angle, from which we penetrate further into the essence of the question, is the view that crime belongs to the category of immoral actions. The question which is often asked, whether crime, per Se,

We may, however, be justified in saying that in modern countries practically all actions which are qualified as crimes are felt to be immoral by the great majority of the people-albeit in different measure. Even the professional criminal thinks of theft as of something immoral, namely when it is committed to his own detriment, or to that of a member of his gang.

It is almost superfluous to add that apart from the differences mentioned above, the degree of public disapprobation of all the countless prohibited actions varies very widely, and ranges from a minimum-as in cases of poaching or smuggling-to the height of moral indignation in some of the worst cases of manslaughter or murder.

If one asks oneself what actually constitutes the essence of an immoral action it becomes apparent that there are two sides to it: subjectively, i.e. from the individual's point of view, such actions go counter to moral sentiment; while objectively, i.e. from society's point of view, they constitute a danger to the interests of the community. Sociological (and, more especially, ethnological) research does not leave any doubt upon this point: the term 'immoral' means-from the stand-point of the community, 'anti-social'.

Thus, the utilitarians erred when they imagined they could define morality as utility for the individual; but this view becomes correct when for the individual one substitutes the community; for the whole of our code of morals is designed for its benefit and protection. Man is extremely sensitive to that which might harm the community as a whole; and broadly speaking, this instinct has but rarely proved itself wrong (one instance of this being the persecution of witches). In such cases it was experience which acted as a corrective. In view of the absolute supremacy of society over the still growing and maturing individual the latter, as a rule, tends to accept without demur the moral code prevailing in his time.

An immoral action, therefore, is an anti-social action which is felt as such. A priori one cannot speak of any action as being either immoral or criminal per se; there is, in fact, no such thing as a 'natural' offence. It all depends upon social conditions. Some actions, however, are so obviously hostile to the interests of any and every society that there was hardly ever a time when they were not prohibited, as in the case of theft, because of its parasitical character. Society is continually changing-and, especially in its present phase, very rapidly. Hence

the great changes which take place in our conception of morality, and which are reflected also in criminal law. These, however, take time; and the tension between a rapidly-changing morality and a comparatively static criminal law can, at times, become very great.

Crimes belong to the immoral actions; but they only form part thereof. Generally speaking, one may say that they are the gravest; they form, as it were, the kernel, the grosser but fundamental part. One might compare moral and criminal laws, respectively, with two concentric circles, of which the former would be the larger. The difference in size between the two may vary considerably, according to time and place; sometimes the two circles cover each other completely, whereas at other times their circumferences lie far apart. In the former case this is a bad sign; any society which threatens with punishment almost every transgression is internally weak.

Thus we come to the conclusion that a crime is a serious anti-social action to which the State re-acts consciously. This reaction, as is already evident from our formal definition, consists of punishment.

2. Punishment

Punishment is to inflict pain; but it is not here that its difference from the moral reaction to an immoral action is to be looked for, for the latter is also of a painful nature. It does not alter matters in the least that sensitivity to this pain varies enormously in different people, and is often very small indeed. The real difference lies in the fact that moral reprobation emanates from one or more individuals spontaneously; whereas punishment is a conscious action on the part of the collectivity (in casu the State). The content of a reproof is nothing but a moral condemnation; but when it is incorporated in criminal law, and pronounced by a judge, it becomes a punishment.

A similar demarcation is indicated in the other direction. Revenge, too, is

pain caused intentionally, but it is an irrational reaction of the emotions, generally of an impulsive nature, on the part of one or more persons, to a wrong which they have suffered.

Punishment, on the other hand, does not come from one or more persons; it is meted out by the group, the collectivity, acting consciously and rationally. Even in cases where nothing else is aimed at but the satisfaction of feelings of revenge, a new and essential element has emerged, i.e. conscious reaction emanating from the collectivity.

3. The Purpose of Punishment

Punishment, however, did originate in revenge; and the latter has certainly played its part in ensuring the safety of the community-be it imperfectly, and accompanied by grave disadvantages. In primitive forms of society taking revenge is, indeed, morally imperative. Gradually, however, as the community begins to take over this function, the position is changed, and has now turned the other way round: it is To criminology also belongs penology, or the science of punishment. The limited size of the present volume prevents a thorough treatment of this subject. A few remarks made here, and in the last chapter, must suffice revenge by the wronged party which is prohibited-not only morally, but in criminal law as well.

Present-day punishment contains two elements:

Firstly, it serves-as it always has done-to satisfy the feelings of revenge and revulsion on the part of the members of the collectivity. No amount of theorizing about 'returning evil with evil', etc., however ingeniously invented, can alter this in the least. But this element, which was at one time supreme, suffered an important check from the second.

Secondly, it is the safeguarding of the community (la defense sociale). To

some extent it has always been present-if only in a more or less unconscious form. It has, however, now entered into the social consciousness, and is already of considerable importance. Society takes certain measures against its harmful members, one of the chief of which is, surely, the attempt to educate them with a view to fitting them once more for social life. Punishment-i.e. the pain which it is intended to inflict-also belongs to society's armory; but the difference between educative and correctional 'measures and punishment is not nearly so great as many theoretical criminologists would have us believe. The pain inflicted by these measures is usually also of a serious nature, for it implies robbing the subject of his or her freedom; it does not, therefore, differ so very much.

To sum up, our conclusion is that crime is a serious antisocial action to which the state reacts consciously, by inflicting pain (either punishment or correctional measures).

4. The Disadvantages of Criminality to Society

We have to do, indeed, with an extensive and deeply rooted social disease, which has dug itself into the very body of society like a kind of ulcer; at times even threatening its very existence, but always harmful to the highest degree. Countless crimes are committed, and millions of criminals condemned, every year.

4.1. Economic Disadvantages

Economically, the disadvantages to society are very great. For example, the United States of America, various estimates have been made. Thus, Schiapp and Smith, in their book *The New Criminology* (1928) arrive at a figure of four billion dollars (\$4,000,000,000) per year in respect of direct damages, and between five and six billion indirect losses (loss of production power, cost of police, etc.), in all between nine and ten billion a year. Other estimates are still higher. I have no means of judging the reliability of these estimates, neither am I in a position to form an estimate, on the same lines, for other countries; but I

think it is undeniable that crime is a source of stupendous waste of money to society.

4.2. Moral Disadvantages

Next to the economic, we have, moreover, the still more important moral disadvantages. If criminality is closely bound up with the moral standards of a people, in return it sends out demoralizing influences towards the normal sections of the population. And when one adds to all this the damage and grief suffered by the victims of the crime, and also the constant menace which criminality constitutes to society, the total obtained is already a formidable one. Neither ought we to forget the suffering on the part of the criminal himself, who-in whatever way one may wish to judge him, is after all, a part of humanity too. Superficially-judging people sometimes try to represent the criminal classes as always playing a winning hand in their war on the community, leading quite a pleasant life on the proceeds of their booty. This may be so in an isolated case here and there; but sooner or later-generally sooner-they lose the fight, and then the hand of society presses on them heavily indeed.

5. The Reasons for Studying Criminology

The reasons for the study of criminology should therefore be clear. Admittedly it is a science which is widely studied for its own sake, just like other sciences; crime and criminals are not a bit less interesting than stars or microbes.

But this point of view is secondary as compared with the practical aspect, just as in the case of medical science. Indeed, comparison with the latter repeatedly suggests itself. Criminology ought before anything to show humanity the way to combat, and especially, prevent, crime. What is required more than anything is sound knowledge, whereas up to the present we have had far too much of dogma and dilettantism. Who-ever is in close touch with what is called socio-pathological phenomena should make a note of this specially criminal jurists, whose knowledge of the law imperatively needs to be supplemented with

that of the subject-matter with which it has to deal.

6. The Sub-Sciences of Criminology

Criminology is a complex science. It consists of:

- (i) Criminal anthropology. i.e. the science of criminal man (somatic), a section of natural science; anthropology being sometimes called 'the last chapter of zoology'. It attempts to answer such questions as: what peculiar bodily-characteristics has the criminal? What relation is there between race and criminality? etc.

- (ii) Criminal sociology. i.e. the science of criminality as a social phenomenon. Its principal-concern is, therefore, to find out to what extent the causes of criminality have their origin in society (social etiology). In a wider sense, the study of physical (geographical, climatological, and meteorological) environment forms also a part of this sub-section.

- (iii) Criminal psychology. i.e. the science of psychological phenomena in the field of crime. The chief subject-matter of its study is the psychology of the criminal, e.g. to what type or types he belongs; further, differentiation according to sex, age and race; and finally, collective or crowd-criminality.

- Further, what may be termed the 'psychology of crime (motives and checks) belongs to this section. Lastly, the psychology of the other persons in foro (witnesses, judge, counsel, etc.), and the psychology of the confession.

- (iv) Criminal psycho- and neuro-pathology. i.e. the science of the psychopathic or neurotic criminal.

- (v) Penology. i.e. the science of the origin and development of punishment, its significance and utility.

These five sections together constitute theoretical or 'pure' criminology (reine

Wissenschaft). Founded on these, we have, further:

(vi) Applied criminology, i.e. criminal hygiene and criminal policy.

Taking the conception of the science of criminology in its widest sense, we should also include in it:

(vii) Criminalistics (police science) -an applied science whose purpose is to trace the technique of crime and its detection. This science is a combination of psychology of crime and the criminal, and of chemistry, physics, knowledge of goods and materials, graphology, etc.

The present work will treat chiefly of the history of criminology; The various schools will be outlined, a few brief remarks only will be made on the subject of criminal psychology, while certain conclusions concerning applied criminology will form the finish.¹ The limited space available in this little book will then have been filled. The author, moreover, is not in a position to write authoritatively either on psycho- and neuro-pathology, or criminalistics, both of which are legitimate fields of study for specialists only.

Chapter Two

Crime as a Human Phenomenon

We can define crime as a human phenomenon by saying that it is the satisfaction of a human instinct in an abnormal way that an ordinary man does not follow in order to satisfy that same instinct due to abnormal conditions that exerted their influence on the doer at the very moment of commission of his crime.

1. What is an “Ordinary Man”

In my opinion the ordinary man is that whose physical and mental traits approach those of the intermediate man.

- (a) Taking the stature as physical trait, a man of ordinary stature is a man who is not excessively tall or excessively short in comparison with the medium height of the intermediate man. If he is excessively tall he is called giant and if he is excessively short he is called dwarf. Both are considered abnormal as regards the stature.
- (b) Taking the intelligence as psychological trait, a man of ordinary intelligence is one who is not excessively intelligent and excessively dull or mentally retarded.

The physical human traits can either be external or internal. The external traits are called Morphology. Internal traits are called physiology.

An example of Morphology was the stature. An example of physiology is digestion as function of the stomach(internal body function). The intermediate man digests three meals a day. A gluttonous man on the other hand digests twelve substantial meals a day. The sober is contented by one meal. In comparison with the medium state of an intermediate man, the gluttonous represents the

excess, the sober the deficiency, and both are abnormal, because they differ considerably from the average.

We mentioned intelligence as a psychological trait, but this trait is one of many that require a detailed explanation.

It is well established that the psyche contains three interdependent elements:

- The mind which thinks,
- The heart which feels, and,
- The volition which decides.

The human soul consists of thought, feeling, and volition. Whatever the psychological act may be, it could not deviate from anything other than these three elements. It can be a thought, a feeling or a volition.

If a man sees a Beautiful girl, this perception is a thought. If he feels love towards her, this is a feeling. And finally, if he decides to marry her, this is volition.

As the emotions and passions are accompanied by beatings of the heart, literature uses the heart in order to move the audience or reader. In fact, experience proved that a man is pushed to behavior by his feelings much more than by reasoning or thinking.

We defer speaking about the defects of the mind and volition to another place where we shall deal with the method of research in criminology.

2. Instincts as a Source of Human Feelings

Now we face the human instincts as sources of feelings to indicate their abnormalities which drive the human behavior.

The instinct is a natural innate tendency which generates certain desires accompanied by a feeling of pain due to the lack of their satisfaction and therefore leads to an action aiming at the elimination of that pain by satisfying that instinct.

3. Self-Preservation as the Principal Human Instinct

Every human being has the fundamental instinct of self-preservation. This instinct generates, for example, the pain of hunger or thirst which pushes man to procure himself food and water.

All human actions or abstentions emanate from this basic instinct. Nevertheless, psychologists speak about other instincts deriving from this principal one, such as the property instinct, the offence-defense instinct and the sexual instinct.

- I- The property instinct is a natural innate tendency to procure oneself to material objects such as money and estate and moral objects such as academic degrees or titles of honor. All these things reinforce his sense of self-preservation.
- II- The offence-defense instinct is a natural innate tendency to speak or keep silent, to act or to remain inactive, all according to circumstances and to the need of protecting one-self's material or moral existence, namely self-preservation.
- III- The sexual instinct is -a natural innate tendency at the adult age to establish a relation with an individual of the opposite sex. At the adult age, a male is desirous of a female and vice-versa. He feels his own existence incomplete without her and vice-versa.

Therefore, the sexual instinct, is, linked, to the self-preservation. On the other hand, this instinct aims at procreation which makes parents feel that a son or a daughter is the continuousness of their own existence. Thus, the sexual instinct is also, an actuation of the self-preservation instinct. Thus, the paternal/

maternal affection for a son/daughter is the most flaming human affection because the parents' love of their children is in fact, love of themselves. Here altruism is reinforced by the egoism of self-love.

On other words the power of self-love is added to, and mixed with, the love of others. All fundamental instincts are driven by self-love.

4. Secondary Instincts

There is what is called a secondary instinct. It is the refinement of a fundamental instinct without abolishment of that instinct.

Indeed, it is impossible to abolish the innate fundamental instincts. Yet a secondary instinct could work towards attenuating its sharpness.

But what does a secondary instinct?

It is an innate or acquired tendency to conserve others' material and moral existence by abstaining from harming it during the satisfaction one's own fundamental instinct.

For example, if the instinct of self-preservation is refined by a secondary instinct, it shall not drive a person to kill another in order to preserve his own existence.

If the offence-defense instinct is refined by a secondary instinct it shall not lead a person to assault or insulting another.

If the property instinct: of is refined by a secondary instinct it shall not lead a person to stealing other people's property..

If the sexual instinct is refined by a secondary instinct, it shall not drive a

person to resort to rape in order to satisfy his sexual instinct, and so on.

It goes without saying that a crime is the result of abnormal conditions which exert their influence on the doer at the moment of its perpetration.

5. Abnormal Conditions

Abnormal conditions can be divided into two parts:

- The preponderance of promoting power that pushes to delinquency.
- The lack of refraining power from delinquency.

5.1. The Promoting Power

The promoting power consists of an abnormal instinctive quantity or quality, with regard to the basic instincts and the feelings they generate.

The abnormal, quantity could be either an excess or a deficiency

(1) Referring to self-preservation instinct, the excess is called pride or exaggerated self-esteem, the deficiency is called hatred of life.

Although the excess and the deficiency of instinctive feeling are opposites, they lead to the same criminal result. Exaggerated self-esteem as well as hatred of life conduce to homicide or murder. The crimes to which the hatred of life leads, are called homicide and suicide.

The abnormal quality relating to self-preservation instinct means a method of life which differs from that of an ordinary man, such as the tendency to appear rich despite one's poverty or to appear poor despite one's richness. Such abnormal instinctive quality leads to deviation and delinquency.

(2) As regards property instinct. its excess is called avidity and its deficiency is called

prodigality. Although avidity and prodigality are opposites, they lead to the same crime against others' property. Avidity is an inclination to accumulate property even if it belongs to others whereas prodigality is inclination to spend all property which leads the spender to compensate his loss of money by means of assaulting the property of others.

The anomaly of quality pertaining to this instinct means the employment of methods that the ordinary man doesn't use in gaining, such as stealing and fraud.

(3) Referring to, the offence-defense instinct, we can say that its excess is rashness and its deficiency is cowardliness.

Although, rashness and cowardliness are opposites, they also lead to the same crime. A rash person, for example, commits a homicide actively and the coward participates passively in it by helping the killer.

The anomaly of quality with regards to this instinct is called hypocrisy. Hypocrisy is pretending to be what one is not. It could be passive or active. Passive hypocrisy is showing approval to what one dislikes. Active hypocrisy is struggling to attain a goal that one detests. The hypocrite appears to act in contrast with what he really believes is right. The police officer who proceeds to torture the political opposition of his president without approval of the latter aiming at pleasing his is a typical example of an active hypocrite.

(4) The last fundamental instinct is the sexual one. This instinct can be affected by an anomaly of quantity or quality.

The anomaly of quantity could be an excess or a deficiency of the sexual feeling. The excess gives rise to the womanizer who exaggeratedly goes in search of women. The deficiency on the contrary means impotency. Both the

excess and the deficiency lead to the same sexual crime such as rape.

The anomaly of quality consists of methods that the ordinary man does not employ for the satisfaction of his sexual instincts. these methods can be perverse manners or inverted manners.

The inverted manner which means the sexual relation between two males (homosexuals) or two females (lesbians).

The perverse manner could be sadism, namely the sexual perversion in which gratification is attained by torturing the loved person, or it could be masochism which means an abnormal sexual passion characterized by pleasure in being abused or dominated. It is clear that masochism is the opposite of sadism. While sadism is the pleasure of giving pain, masochism is the pleasure of receiving pain.

Fetishism is another perverse manners. It is the fixation of erotic interest on a specific part of the body such as the foot or a certain color or article of clothing.

Finally, the sexual perverse manner could be the incest which is a sexual relation between a male and a female whose marriage is prohibited by law.

As we have said, the power which leads to delinquency is the anomaly of quantity or quality affecting one or more of the fundamental instincts and preponderating over the power which refrains from delinquency.

If the refraining power prevails, the anomaly of quality or quantity affecting the fundamental instinct causes a pure imaginative delinquency.

5.2. The Refraining Power

This power consists of two inhibitions:

- a- The noble inhibitions represented by the secondary noble instincts.
- b- The ignoble inhibitions represented by the fear of the penalty

When the delinquent is guided only by his basic instincts being deprived of secondary instincts, he precipitates to the commission of his crime in such a vehement and automatic way that he no more remembers the penalty by the law, and if he remembers it, he hopes to elude justice.

Such a criminal is called 'constitutional delinquent' because his psychological constitution is characterized by the lack of secondary instincts.

In conclusion we say that the causal factor of delinquency is a criminal predisposition which leads to crime in circumstances that do not conduce to it the ordinary man. Such criminal predisposition is the constant or accidental prevailing of instinctive anomaly of quantity or quality with continuous or temporary missing of secondary noble instincts.

Continuous predominance of criminal predisposition characterizes the constitutional delinquent, while its temporary prevailing gives rise to the 'occasional delinquent' who is the nearest to the ordinary man.

6. Other Factors of Delinquency

Besides the predominance of basic abnormal instincts, there are factors which awaken the criminal predisposition and contribute to its formation. We call these factors the 'animating factors'.

A causal factor of delinquency can, alone and by itself, produce a crime. An evildoer who is dominated by an excess of offense-defense instinct, will tempt others to quarrel with him. He will then seize this occasion to assault or kill

somebody as he finds his delight such fights.

On the contrary an animating factor -such as drinking alcohol or consuming narcotics- does not produce by itself delinquency unless it joins and awakens a criminal predisposition inherent in the person who drank or consumed narcotics.

The abnormal quantity or quality of basic instincts derive from heredity. It remains with the delinquent from childhood, especially in absence of correction and education.

Chapter Three

Schools of Criminology

1. Preliminary Attitudes of Criminology

Criminology has a long history which goes back to the period of Greek philosophers such as Hippocrates, Socrates, Plato and Aristotle. These philosophers ascribed the crime of the criminal to a corrupted soul deriving from physical deformities in his body.

This trend persisted till the Middle Ages where it gave birth to a belief that the character of a person could be discovered by the examination of his hands and legs, of the features of his face and even of his umbilicus.

This theory was followed by another which linked the crime to the planets and made the destiny of man dependent on the planet which was dominating the day of his birth according to whether it was good or wicked. In 1586, Della Porta composed a book on criminology which linked the crime to an individual nature revealed by physical defects which are visible in the face whether in the eyes, the forehead or the nose. His theory, was sustained by natural philosophers like De La chambre and Darwin.

2. The Eighteenth Century Until the French Revolution

Criminal law in the latter part of the Middle Ages, the sixteenth, seventeenth, and the greater part of the eighteenth centuries was exclusively intended to serve as a deterrent and attempted to achieve -this purpose by means of the most cruel punishments. The death penalty, in its most barbaric variations (generally preceded by some sharp form of torture, e.g. the rack) and corporal punishments were quite usual forms; the idea of general prevention of crime being the chief consideration. The person of the criminal was not recognized; he was an object serving as a 'terrible example' to others, and the purely objective element of

social danger inherent in the offence was the final consideration. Penal laws were vague (analogy in criminal law), and their formulation ambiguous. The procedure in criminal cases bore a similar character. It was inquisitorial, and the accused was looked upon as a mere object of investigation; it was conducted in secret and chiefly according to documentary evidence. The law of evidence was highly arbitrary, and confession was considered the best form of proof; hence the torture-bench.

2.1. The Call For a Criminal Law and Criminal Jurisprudence.

The grand opposition movement of the third estate against the Ancient Regime also drew criminal law and criminal jurisprudence into its scope. Some intellectuals began to shine in this field too. The Rights of Man were, henceforth, also to apply to the criminal. Montesquieu (1689-1755) started the attack, with his *Esprit des Lois* (1748), in which he entered the field against the arbitrariness and severity of the punishments, and their undue frequency. The voice of humanity was heard for the first time. Rousseau (1712-78) also joined in the opposition to the cruel treatment meted out to the criminal. Voltaire (1694-1778) enters the lists in 1762, on behalf of the innocently condemned and executed Jean Calas, and becomes one of the doughtiest fighters against the arbitrariness of criminal jurisprudence of his day.

The principal personality in this movement was C. Beccaria (1738-94), who, in his world-famous book *Dei delitti e deipene* (1764) gave an exposition of all the objections against the existing criminal laws and punishments; while G. Filangieri (1752-88), author of *Scienza della legislazione* (1780-85) was one of his best-known allies.

Besides the above-named authors we may mention, for England the jurist-philosopher Jeremy Bentham (1748-1832) founder of utilitarianism ('the greatest happiness for the greatest number'). His chief work is *Introduction to the Principles of Morals and Legislation* (1780). He published a plan for a new kind of

prison in 1791, under the title of Panopticon, or the Inspection House. Bentham, amongst others, was one of the first protagonists of correctional punishment.

2.2. The Impact of the Development of Criminology

Already before the French Revolution the work of these authors had not been entirely without some results. In 1780 torture was abolished in France. In this, Frederick the Great had already preceded France in the year 1740. Joseph II abolished the death penalty, and other facts of this kind might be mentioned. However, the greatest changes occurred during the French revolution.

Although the death penalty and corporal punishment were the rule, prisons had been erected here and there, from about the middle of the sixteenth century (e.g. in Amsterdam towards the close of that century). For prisoners on remand these had, of course, always been necessary. Conditions in those prisons were usually shockingly bad, both from hygienic and moral standpoints. We owe an enormous debt of gratitude to John Howard (1726-90), for having drawn attention to this state of things, in his work *The state of the Prisons* (1777); chiefly relating to England, but, in later editions, dealing also with other countries. In the seventeen-eighties a number of prison societies were founded in the United States, under pressure from the Quakers, with a view to putting an end to the highly detrimental effects of detention in association. Punishment in cells-which was to provide the proper atmosphere for introspection-was to take its place. In 1786 capital punishment was abolished in Pennsylvania.

3. From the French Revolution Until the Nineteenth Century

In 1791, the French revolution, with its Code Penal, put an end to the criminal law and the criminal procedure of the Ancient Regime. A measure of uniformity, system, and precision of formulation was introduced into the new jurisprudence (no more 'analogy'); all persons became equal before the law, and with this the rights of man were recognized in this field also. Confiscation of property and corporal punishment were abolished; capital punishment was confined to

a considerably smaller number of offences, and performed without previous torture; while detentory punishments were introduced more frequently than had hitherto been the case. The lack of moderation in punishment which had prevailed during the preceding period was checked, and there was an attempt to fix the punishment proportionally to the crime. The proportion itself remained, of course, an insoluble problem; but still, the practical result was that punishment was not nearly so frequent, nor so severe as formerly.

3.1. Changes in Criminal Law, Criminal Procedure, and Punishments

The greatest improvements effected were those in criminal procedure. Proceedings were held in public during the final stages, when they took on a direct and accusatorial character. The arbitrary power of the judge was put an end to, and the law of evidence was better regulated.

After having been started in France, these reforms were also propagated and carried through elsewhere; first of all in those countries which came under French influence or rule. Thus, for example, the 'Criminal Code of law for the Kingdom of the Netherlands' was introduced there in 1809, to be replaced shortly after, when Holland was incorporated into France, by the Code Penal. England went its own way; but there, too, under the influence of Bentham and Samuel Romilly (1757-1818), author of *Observations on the Criminal Law of England* (1810), important changes were introduced.

Conditions in English prisons (but elsewhere, too) were bad, and generally remained so, during this period. Howard had, already long before this, been raising his voice in protest against this state of things, and others now came to his supporters, for instance, Bentham, Romilly, and Elisabeth Fry (1780-1845). An extensive literature began to appear; official investigations took place, and even laws were passed, which, however, were rarely put into execution. Only in the United States important changes were effected.

As early as 1791 a prison consisting of cells was erected near Philadelphia by the Quakers, in which the demoralizing influence of detention in association was put an end to; but where the utter misery of loneliness took its place, the prisoner not being even allowed to work! In 1823 the so-called 'Auburn' system was introduced in New York, under which prisoners worked, in company, during the day-without being allowed to talk-and passed the night in their cells.

In the Dutch prison conditions were re-organized as far as the material side was concerned, in 1821. Vide about the Netherlands.

The improvements which the French Revolution has effected in criminal law and procedure should not be under-rated. On the other hand, too much should not be thought of their importance either. The 'injustice' of the preceding period had been abolished. Lip-service was paid to a certain 'abstract' humanitarianism; but of any actual humanness there was, as yet, but little evidence. Punishments still remained extremely severe and hard, and the human factor in the criminal was quite ignored. Once his guilt was established he became a 'case', to be treated, as all other 'cases, to a certain-generally very large quantity of punishment.

Improvements were, indeed, usually of a juridical or formal character, while little or no modification was made in the actual content of the sentences. Next to sheer ignorance, the whole of the new social system must be blamed for this. In the new social order all men were equal, but only formally: their material differences were greater than ever before. True, the Code Civil does not speak of 'rich and poor', but this does not alter the fact of their existence, nor that this fact constitutes the most fundamental contrast in society. And it is just as great a fiction to put down as equals all criminals who commit the same sort of offence. They are not equals; the motives which lead them to commit a given crime are not the same, and they should not, therefore, be treated in the same way.

Punishments were mollified somewhat in the Code Penal of 1791. This,

however, was not to be for long. The French Revolution got into the hands of the extremists, 'the men with the hot heads and the cold hearts'; and these men inaugurated a most bloodthirsty and arbitrary criminal law policy, which, indeed, vied with that of the Ancient Regime. Then, again, the period of reaction which followed (as usual), led to a renewed sharpening of punishments. The Code Penal of 1810 was a step backwards as compared with that of 1791. Branding was reintroduced, as well as, in some cases, torture prior to the execution of the death penalty.

In England we see the same picture. A theft of 5s. was punished in those days with death, and the same applied to more than 160 other offences.

The Appearance of Schools of Criminology

The Positive Schools

4. The Biological Theories

These theories gave interest to the biological traits of the delinquent and its impact on delinquency. The pioneers of these theories are Lombroso, Garofallo, and Ferri.

4.1. Theory of Lombroso

Lombroso's theories first appeared in his book "L'uomo Delinquente" (The Delinquent Man). According to Lombroso, the animal kingdom appears on the criminological stage. Actions of one species of animal towards the other -also towards man- are cited; even to the classic example of the cat stealing the fish.

Coming to animals of the same species, it is, of course, only among these that crime could ever be thought of -Lombroso mentions the fight for the female (sexual selection), and for the position of leader of the herd. But surely, to qualify all these acts as having even the remotest connection with crime, one must, so to speak, wear a permanent pair of criminological spectacles in one's views of nature.

Lombroso, of course, acknowledges this, up to a point; and mentions, as genuine equivalents of crime, those instances in which animals living in herds (horses, cattle, elephants, etc.), occasionally expel troublesome specimens of their kind. Admittedly, one might, with a large dose of good will, agree that here is something remotely comparable with a case of pathological criminality.

This theory was upheld after the Vililla incident. Vililla was an aggressive man who had a strong inclination to aggression. After his death, Lombroso took his corpse and ran an autopsy. He discovered that there was a dimple in the rear

of his skull bigger than the average person. This dimple almost resembled that of a Gorilla.

Lombroso concluded from this discovery that the criminal is qualified as a primitive monster in which reappears by means of heredity characteristic that go back to the prehistoric ages of mankind. He named such a monster the “criminal man”.

After the Misidia Incident (Misidia was a soldier who suffered from epilepsy. During one of his epileptic episodes he murdered fifteen of his colleagues), Lombroso surpassed the bodily apparent defects to the functions internal organs and the psychological conditions of the criminals, stating that there is a strict relation between their delinquency and an organic trouble and a psychological defect in them. He included such new observations in the second edition of his book qualifying the criminal as a “psychological lunatic”.

Finally, Lombroso took into consideration the state of a criminal who was well-known as perpetrator of violent and blood crimes, and he deduced from it that the crime is due to nervous “acts of epilepsy” that lead to violence.

Thus the figure of the criminal in the opinion of Lombroso, evolved from the primitive monster to the psychological lunatic and finally to the nervous epileptic.

Thus, according to Lombroso, the delinquent is a primitive creature which can be compared with animals.

The way was clear for primitive humanity to be drawn into the scope of the argument. Now, according to Lombroso, aboriginal man must be looked upon as a born criminal:

‘.....(among savages) crime is not considered an exception, but practically

as the general rule; in fact, nobody looks upon it as such; on the contrary, its first appearances are, rather, ranked in the same class with the most irreproachable actions. Lombroso then proceeds with an attempt to prove this thesis.

Without the slightest notion of ethnology, with an utter lack of critical sense, and often from the worst possible sources of information, a few facts are dragged in to prove that primitive man was a born criminal (thief, rapist, murderer), and primitive woman a prostitute.

However, Lombroso's opponents made the following observations:

(i) Lombroso's bold analysis is wholly and absolutely untrue. In the first place, Lombroso evidently still takes up the standpoint of natural law. He is a complete stranger to the notion that moral conceptions are never fixed, but change according to time and place. To take only one instance: infanticide occurs fairly frequently among the most primitive peoples (nomads); and is not considered by them as immoral. This is to be explained by the difficult circumstances under which they live, and which may force them to adopt this course of action. If they acted differently the whole group to which they belong might perish. There is no question of any inborn hard-heartedness at all, or even of a lack of love for the children.

Other writers proved that primitive peoples have great devotion and parental tenderness for any of their children which they are in a position to rear. An analogous case is the killing of the aged (or their suicide) among nomadic peoples.

Both these moral conceptions and practices disappear completely as soon as these nomads become settlers, and take to agriculture, whereby they are enabled to rear more children and maintain their aged.

- (ii) In the second place, Lombroso makes no distinction between actions within, and outside, the group (this phenomenon was called by the Russian sociologist Kulischer 'ethical dualism'). Various facts mentioned by him relate to other groups than the one to which he who committed the act belonged, and therefore rank with acts of war, and not with crimes at all. Within the group itself crime is a rare exception, and mutual care and devotion attain a very high standard. The available material evidence of this is simply overwhelming; and I may confine myself to quoting one or two summary judgments:
- (iii) '.... the normal savage exists only as a devoted member of the group whose customs he respects and whose every interest he defends; the savage is a great lover of children,' says Steinmetz in his *L'ethnologie et l'anthropologie criminelle*.'

Hobhouse sums up his opinion in the following words:

'The typical primitive community . . . is a little island of friends amid a sea of strangers and enemies.'

As a matter of fact, in modern sociology the hypothesis that the primitive man was fundamentally a-moral and only grew into a moral being as time went on, must be considered fatuity. The known facts of ethnology and history, as well as of psychology, are too flagrantly in contradiction with such ideas.

- (iv) Hardly less erroneous are Lombroso's pronouncements on 'the criminal in the child'; they are also quite in keeping with the same line of thought. Here, he presents us with the following amiable picture of the human child:

'.....that the germs of moral abnormality and criminal nature do not occur as exceptions, but as the rule, in the first years of human life; exactly in the same way that we find, regularly, certain forms in the embryo which-if they occurred in grown-ups-would rank as abnormalities; so that the child would appear to be

a human being lacking in moral sense-what alienists call morally defective; but what we prefer to call a born criminal.'

He then cites a number of instances of children's mendacity, cruelty, jealousy, etc.

Now, modern child psychology has made way of this representation of the child as being either a little devil or an angel.

There is no point whatever in attributing to children an inborn knowledge of the content of moral dicta; but this failing has no more sinister meaning in regard to their morality than lack of knowledge has in regard to their intellectual endowments. Besides, children are impulsive-functioning primarily-owing to lack of experience of life, which is just as little proof of their moral inferiority; and as everyone knows they are often just as impulsive in acting altruistically. Cruelty in children is, more often than not, entirely unconscious; they inflict pain, for instance on animals, without knowing it, and they change their conduct as soon as they understand what is actually happening. True, children are very often untruthful in their statements; but this, too, is in the majority of cases quite unconscious and has its origin in their uncontrolled imagination. And when they do tell real lies this cannot possibly be of anything like the same gravity as in the case of adults; they just cannot realize its seriousness and implications. There are, of course, children-but they are very rare-who resemble the picture drawn by Lombroso; but in these cases one has to do with moral idiots or imbeciles, and not with children of sound mental propensities.

(v) Taking the views out-lined above as his starting-point, Lombroso then proceeded to examine anthropologically a large number of criminals in various prisons-more especially their skulls. The conclusion which he drew from these examinations was that, in the criminal, peculiar anthropological features are in evidence. Thus, for example, the capacity of the skull (especially in the case

of thieves) is held by Lombroso to be smaller than that of normal persons, while, in addition to this, there are supposed to be several other anomalies about the criminal's skull.

In the brain, too, Lombroso notices deviations from the normal, which remind him of animal formations-although he was unable to point to any specific 'criminal' deviations. Further, their physiognomy was also supposed to differ from the normal: large jaws, crooked faces, receding foreheads, etc., he found to be of frequent occurrence. Finally, low sensibility, and tattooing-as among primitive peoples-were frequently found to exist.

The conclusion to which Lombroso came was that in the majority of cases the criminal is an entirely separate species of human beings (genus homo delinquents).

This innate tendency, moreover, may be recognized in outward peculiarities, according to Lombroso, a criminal type, which we are actually able to diagnose.

'Crime, therefore, would appear to us to be a natural phenomenon'-these are the final words of his *L'uomo delinquente*.

(vi) The question now arises, how can the origin of this kind of abnormal being be accounted for?

In his attempt to solve this problem Lombroso hit on the following quite ingenious hypothesis. Granted that primitive man was a-moral, and only acquired his moral qualities in the course of time, then the criminal must be an atavistic phenomenon, a throw-back; i.e. he suddenly shows again those peculiarities which his immediate ancestors had lost, but which his remote ascendants had possessed. We may call this 'throw-back heredity'.

This hypothesis, however, was just as erroneous as it was ingenious. In the first place-as we have already seen-its starting-point is untenable from an ethnological-sociological view-point-which rather makes the whole hypothesis fall to the ground. In the second place, it was attacked from medico-anthropological quarters; and shown-apart from the numerous errors and inexactitudes which are usual features in Lombroso's investigations-to rest upon an entirely wrong interpretation of the facts.

However, Professor Ramsis Behnam upholds Lambroso's theories in general and rebuts the foregoing observations of his opponents as follows:

- (1) Lombroso's opinions were misunderstood, due to the unawareness of the four latter editions of his book successive to the first one. He did not restrict himself to the physical and organic states of delinquents. In fact he examined their psychological conditions. He did not assert that physical defects were exclusive mark of delinquents, but he meant that they are more diffused and acute among criminals than among non-criminals and that, in most cases, they accompany their psychological anomaly.
- (2) According to his view the criminal heredity does not mean the definite fall in delinquency, but a hereditary inclination which does not lead to delinquency unless it is associated with certain factors which could not occur and therefore it remains latent without conducing to any crime. Lombroso added that such an inclination could be acquired after birth.

4.2. Theory of Garofallo

In 1880, Raffaele Garofalo, who was judge in the court of Naples and a disciple of Lombroso, came up with a new theory according to which the delinquent was not an abnormal human phenomenon but rather an abnormal psycho who lacks mercy and honesty.

The lack of mercy leads to crimes of persons and the lack of honesty leads

to crimes against property.

He asserted that the penalty must aim at the punishment of the criminal namely to prevention and not at intimidating of public, namely the general prevention.

These last steps paved the way for the uprising of the modern Italian school of criminology and penal law, namely the positive school headed by Enrico Ferri, Fern exerted his school's influence on the different penal legislation of the world.

The Modern Positive School

5. Theory of Enrico Ferri

Although Enrico Ferri was a disciple of Lombroso, he achieved the task of his teacher by showing the importance of the social environment in the genesis of crime. This came in his famous book on criminal sociology written in 1881 and published in 1929 in Turin.

In this book, he attributes crime to three kinds of factors:

- (1) A cosmic Factor,
- (2) An organic Factor
- (3) A social Factor.

He defined crime as the result of interaction between the criminal's inner personal factors, on one side and the external material factors of the natural geographic environment and social spiritual factors in social relations on the other. In such an interaction the proportion each factor differs according to the different crimes and criminals. This interaction between the three factors gives birth to the so-called law of criminal density.

According to this law, when certain social conditions are associated with certain personal and environmental condition, they produce, in a certain society, a certain number of crimes in such a way that it is impossible that more or less than that number of crimes could be committed. Hence the crime rate represents the degree of saturation of that society with criminality.

Consequently the author states that crime is not only the premise of certain results but is also the result of certain premises. It is the definite result of certain factors under the influence of which the criminal is unable to avoid the commission of such crime. The criminal, as any man like himself, commits his same crime if he is under his same cosmic, organic and social conditions.

This means that the criminal is compelled to his crime and that he has no freedom of choice. Hence he does not deserve to have any measure taken against him counting his responsible for his crime. Nevertheless society has the right to defend itself against any crime threatening its integrity even if a mentally disturbed person originates the crime.

Subsequently, Enrico Ferri substituted the moral responsibility of the state with a legal one according to which society has the right to defend itself against any criminal even if he is mentally disturbed

Such a defense could be through preventive measures instead of the repressive measures. The mentally disturbed, from whom a crime is expected, represents the same danger to society as the mentally stable criminal. Yet penalty is applied to the mentally stable (although he may have been compelled to commit his crime) because it is assumed that the effect of the pain punishment operates on his organic, namely his inner character.

This modern positive theory of Enrico Ferri, exerted its influence on the States of the world especially because it ascribed the function of social defense

against criminality to punishment instead of the function of social retribution of the delinquent's sin. It drew the attention of legislators to the necessity of providing a security measure to be pronounced by the judge as regards the crimes of the mentally unstable.

The same theory drew the legislators' attention to the necessity of:

- (1) The prevention of the factors that lead to delinquency
- (2) The individualization of penal treatment according to the conditions of each crime and each criminal
- (3) The modification of penal execution in order to adapt it to the re-socialization of the criminal

In short, it promoted what is called the individualization of the penal sanction in the fields of legislation, judgment and execution.

But to this day, the positive theory did not acquire approval as regards its statement about the criminal being compelled man and the denial of his free will and consequently of his moral responsibility as the basis of application of penal law even towards the mentally stable criminals.

The Social Schools

6. Theory of Colayanni

After Enrico Ferri, the sociologist Colayanni in 1889 asserted that the social factor is the only origin of crime and that crime is a definite result of the social factor alone.

On the contrary, Ferri attributed the crime to other factors as we saw. Colayanni said that even the personal psychological factor of crime is due to the social conditions, which surrounded the life of the criminal especially from the economic perspective. He added that the criminal is susceptible to correctness by the elimination of the bad material conditions which surround his life. Note that Fern also required the elimination of the crime social factors.

7. American Theories

American authors too are not keen to recognize the hereditary inclination in the genesis of crime. They are as follows:

7.1. Donald Thaft

The American criminologist Donald Taft wrote a book on criminology in 1945 in New York. He said that the criminal is produced by the society itself, that heredity is not a part in the genesis of crime. He said that man is like raw material that is shaped by his life since his birth, and that his delinquency comes about due to the corrupted environment in which he was born and grew, namely to the social factor alone. Thus, if somebody undertakes the task of looking for those who gave rise to criminality in order to knock at their doors, he arrive at the end to knocking at his own door. The negligence of citizens in combating the factors of criminality, namely the poverty, the ignorance and the disease, gives rise to criminality as an issue which is harmful to their co-existence.

7.2. Thorsten Sellin

He ascribed delinquency to doctrinal conflict between the criminal and the law in the sense that the criminal is impregnated by a culture which derives from the environment that surrounds him and which is in contrast with the social attitudes.

7.3. Clifford Shaw

He stated that the crime rises from certain origins that are usually the lower standard parts of the cities. He calls such areas “ delinquency areas”.

7.4. Sutherland

He explained the crime by saying that the criminal learnt it from a certain social group.

8. The Opponents of the Social Schools

The above said point of view is criticized by the fact that culture does not have that effect on individuals and that the effect of the environment depends upon the susceptibility of those living in it to commit crime. And that delinquents rise from different environments and could not be limited to a certain class or environment. Hence, it is inevitable to take into consideration the personal inner factor of the criminal in the genesis of his crime.

After Lombroso, criminology realized a scientific progress due to the Italian scientists and psychiatrists especially Niceforo Patrizi and Sergi.

They provided that crime originates from the abject entity of the human soul when it predominates upon the sublime one.

8.1. Sergi's Theory

This in particular is distinguished by the division of human character into a fundamental character and a supplementary character.

- (a) The fundamental character is the result of heredity added to the personal organic conditions of the individual. It is divided into a an profound (original) part that goes back to the primitive life of human beings and a less profound part that reflects the life of the race and family to whom the individual belongs.
- (b) The supplementary character is that character which is derived from the circumstances that the individual encounters in his life and which modify his character fundamentally or even partially.

We also mention in brief Freud's and Adler's theories.

8.2. Freud

Ascribes the crime to a guilt complex, which pushes the individual to delinquency in order to obtain the deserved punishment.

8.3. Adler

Attributes the crime to the individual's attempt of freeing himself from an inner struggle comes about due to an inferiority complex. Evidently the two theories do not offer a general criterion of delinquency.

The Renaissance of Criminology in the Modern Ages

Criminology did not actually flourish until the end of the first half of the 20th century as a result of the efforts of Italian physicians and scientists who adopted all scientific methods of examining the human personality, whether one is a delinquent or not, through many experiments in the preventive and repressive delinquency in Rome.

9. The Italian Efforts

Among them we mention especially Pende and Benigno Di Tullio.

9.1. Pende

He was a universal physician who is specialized in glandular disease. He drew attention to the importance of human typology science in the classification of criminals into categories, each characterized by certain common symptoms.

9.2. Benigno Di Tullio

Taking part in the above mentioned experiments Doctor Benigno Di Tullio, Professor of criminal anthropology in the university of Rome, crowned his efforts by a book which appeared in 1945 in Rome and which established his new theory on the so-called "criminal constitution or predisposition".

According to Di Tullio's theory, that although crime is the result of interaction between the human soul as an internal factor and the circumstances encountered by the man in the external world, experience indicates that there are individuals who possess a tendency or inclination to delinquency, which doesn't exist in others, and that the external circumstances which provoke their criminal tendency and leads them to delinquency, does not produce the same effect on the part of ordinary persons. Such circumstances animate and exteriorize their criminal inclination that is connected to a certain constitution that they have. This constitution, which is simultaneously physical and psychological, distinguishes

them from any normal man, and differs according to their criminal category. Di Tullio classified them, following the example of Pende, into different categories. He separated constitutional delinquents from occasional delinquents whose delinquency is due more to the external factor than to the internal one.

On the other hand, Di Tullio views the criminal constitution of occasional delinquents does not attain a pathological nature. Namely it does not deserve the quality of a disease. That is why he distinguishes between the constitutional and occasional delinquent on the one hand and delinquent whose criminality is due to a mental disease or insaneness on the other.

As regards the mentally disturbed delinquents, Di Tullio separates the insane who is a delinquent from the delinquent who is insane. The first is a delinquent because of his insanity, in such a way that his delinquency could be eliminated by his treating him from insanity. The second is a delinquent because of a constitution which is previous to his insanity and which aggravated the latter. In order to cure him it would not be enough to treat his insanity but his criminal constitution must be treated at first.

Di Tullio adds that the criminal constitution is characterized by the fact that its symptoms appear at an early age and that it leads to grave crime implies the desire of repeating the crimes finding delight and pleasure in committing them.

In order to discover the criminal constitution the personality of the individual has to be examined from three points of view namely in three fields:

- (1) The field of morphology (the external organs of the body),
- (2) The field of physiology and endocrinology (the internal organs of the body)
- (3) The field of psychology (the human instincts)

We approve Di Tullio's theory as regards the explanation of crime as we

have explained the characteristics of the constitutional criminal in the above mentioned three fields when we defined crime as a social reality and when we indicated the causal factor of criminality.

10. The French Efforts

The French theory of Jean Pinatel is less detailed than Di Tuillo's theory.

10.1. Jean Pinatel

Pinatel speaks about the central nucleus of criminal personality. This nucleus is composed by four elements:

- (1) Egocentrism
- (2) Quick drifting
- (3) Aggressiveness
- (4) Affective indifference

He asserts that there are four obstacles that stand in the way of crime.

- (1) The first obstacle is the social opprobrium towards the criminal
- (2) The second is the legal threat of punishment
- (3) The third consists of the difficulties that probably surround the execution of the crime
- (4) The fourth is the horror of the figure which is given by this execution.

The first obstacle (the social opprobrium) is overcome by the criminal's egocentrism which makes him live by his own rules and follow his own beliefs which are contrary to the social integrity. Surpassing this first obstacle leads to what Pinatel calls "the acquiescence to the criminal idea".

The second obstacle (the legal threat of punishment) is surpassed by the criminal due to his quick drifting. The surpassing of this second obstacle

produces what Pinatel calls “The decisive acquiescence to the criminal idea”.

The third obstacle (the difficulties that surround the execution of the crime) is surpassed by the criminal's aggressiveness. Pinatel calls the Surpassing of this third obstacle the “crisis state” (psychological dangerous crisis)

The fourth obstacle (the horror which makes the ordinary man withdraw the execution of his decision is surpassed by the criminal due to his affective indifference. This surpassing produces what Pinatel calls “the passage to the act”

11. The German Efforts

Hermann Mannheim explains the origin of criminality by saying that in each crime there is an organic physical factor and a social economic factor which do not produce the criminal unless they are deflected to it by a mental psychological factor.

However, professor Ramsis Behnam views that this deflecting factor does not differ from what Di Tollio calls “The Criminal Predisposition”

Chapter Four

The Animating Factors of Delinquency

We have explained the causal factor of delinquency namely a criminal predisposition that leads to crime under circumstances which do not conduce to a crime in the case of the ordinary man. Such criminal predisposition is the constant or accidental prevailing of instinctive anomaly of quantity or quality with continuous or temporary missing of secondary noble instincts.

On the other hand, the criminal predisposition as a causal factor of delinquency can be awakened by animating internal and external factors which we face now.

1.The internal animating factors of delinquency

These factors are as follows

1.1.The Sex

The feminine muscular power is approximately half that of the masculine muscular power. This is probably the reason that when a woman commits homicide, she is more probable to resort to a cunning means such as poison rather than using violence and relying on her own physical strength. Is woman is also more probable to be an accessory to a crime rather than be the principal. Consequently, the masculine crime rate is consequently about six times higher than the feminine rate.

Women also undergo sexual phenomenon which distinguishes them from men such as menstruation, pregnancy and childbirth. This phenomenon can simulate a latent criminal predisposition. In Germany, statistics show that approximately 61 percent of the women caught shoplifting were undergoing

their menstruation cycle. This state awakens the theft tendency if the woman is affected by an abnormal property instinct.

On the other hand, women may commit infanticide through abortion due to their fear of the pain of childbirth or to hide the shame of an illegitimate child.

1.2. Age

It is rare for a child to commit a crime before the age of twelve unless that child is affected by a constitutional criminal predisposition.

The Egyptian law presumes that a seven year old child is capable of committing a crime or felony. But the importance of age as animating factor starts with the puberty which comes at about fourteen in boys and about twelve in girls. Because Puberty wakes the sexual instinct, the pubescent could commit obscene acts and even sexual assaults on persons of the opposite sex. He begins doubt and discuss all what he learned since his childhood. Thus, puberty is a critical period which requires the parental attention.

Between the age of twenty-five and thirty-five the violent acts appear. Grave thefts and passion homicide take place between the age of thirty-five and forty-five.

Obscene acts reappear at the age of sixty, as compensation of the decline sexual potency in youth. The criminal activity of the doer diminishes as he gets older, although he may commit accessory delinquency. Yet we do not mean that every man commits the above said crimes under the influence of his age. Criminality depends on the abnormal fundamental instincts and the lack of secondary noble instincts.

1.3. Alcohol and Narcotics

1.3.1. Alcohol

Drunkenness is harmful because it eliminates or at least disturbs consciousness. Moderate use of wine, beer or whisky is harmless unless the drinker has a strong sensibility to alcohol.

Even a slight quantity of alcohol becomes dangerous when it sensitizes a latent criminal predisposition. When recidivist violent criminals drink, even a little quantity of alcohol, they become ready to aggression even if there is no reason to be aggressive and they commit horrible crimes against public authority or against individuals.

Alcohol increases the desire of crime by eliminating the fear of punishment facilitating the execution of criminal decision, and prevailing the promoting power to crime, not only as regards crimes against persons but also in relation to crimes against property.

Even thieves, pickpockets, embezzlers, drink alcohol before committing their crimes, in order to become more audacious.

The most dangerous individuals are those who have both the criminal predisposition and the addiction to alcohol, because the latter continuously awakes their inclination to crime, and consequently they require an efficacious treatment of both their inclination to alcohol and to delinquency.

Addiction to alcohol could lead even to insanity and if the latter is added to a previous criminal predisposition, it aggravates this predisposition otherwise it becomes in itself a source of delinquency.

French statistics indicate a strict relation between drunkenness and crimes of homicide, assault, arson, sexual assaults and negligence crimes.

Between 1946 and 1955, the cases of death due to chronic and heavy addiction to alcohol, death due to the liver disease caused by alcohol addiction and mental and nervous disorder due to alcohol addiction, increased enormously. In 1955, the addiction to alcohol produced eighteen thousand cases of death, while the cases of death due to tuberculosis attained twelve thousands, and those due drunk driving accidents reached eight thousands.

1.3.2. Narcotics

Narcotics, they are always harmful even if they are taken in little quantities. They awaken latent criminal predisposition. Narcotics are divided into two kinds:

- * One kind generates infuriation and tendency to violence even to homicide such as cocaine and cannabis (hashish).
- * The other kind causes a general state of idleness and indifference as well as a fall of mental faculties such morphine and heroin, These narcotics produce a sensation addiction of the drug. The victim feels a physiological unsupportable thirst for it. This desperate need for the drug causes mental confusion spasms, sweating and an eagerness for money that could even lead to homicide in order to pay the price of the narcotic.

Poisonous substances other than drugs exist in the atmosphere of certain factories or mines. At a certain degree, they arouse the criminal predisposition in some workers. That is why scientists advise factory and mine owners to put the atmosphere of such factories and mines under control in order to avoid the stimulation of workers known for their criminal predisposition.

1.4. Certain Disease

Tuberculosis upsets body and soul equilibrium and could lead especially to sexual delinquency, if it awakens a latent criminal predisposition. The same can be said as regards syphilis, typhoid malaria and even influenza.

We repeat that the simple fact of being affected by such diseases does not lead by itself to delinquency. These diseases throw poisons into the body that upset the physical and psychological equilibrium of the body. Yet these poisons do not provoke the ordinary man to delinquency. They do not give rise to delinquency unless they excite a latent criminal predisposition of the patient.

Encephalitis causes brain inflammation. It disturbs the nervous system of the body, induces to violence, sexual abnormalities and larceny. It is more dangerous; when it affects the person in his childhood and awakens a criminal predisposition

1.5. Disorder of Glandular Secretion

Glands are parts of the body, which secrete certain substances needed by the body into the blood. An example of a gland is the thyroid gland, the pituitary gland, the thymus gland, the sexual gland, the liver, the kidneys and the pancreas. Their secretion exerts influence on human behavior. For example the abundance of thyroid gland secretion contributes to rashness and aggression.

That is why Hirsch suggests the amputation of a part of the thyroid gland pertaining to violent recidivist criminals in order to reduce their inclination to aggression.

1.6. Emotion and Passion

Emotion is an interruption of the equilibrium of feelings. Becoming angry is an emotion, becoming happy is another emotion. When anger prevails for a long time, it is transformed into the passion of hatred.

Thus, emotion is a temporary interruption of feeling equilibrium, while passion means continuousness of this interruption. Every man is exposed to emotion and passion. Yet one commits a crime under this influence only if he is affected by a criminal predisposition.

1.7. Autosuggestion

Autosuggestion is the passive obsession to any external influence of a criminal idea. Imitation of the crimes of others is an autosuggestion that becomes dangerous when it is in harmony with one's personal criminal predisposition.

2. The External Animating Factors of Delinquency

External animating factors of delinquency are divided into two categories. They are the natural surroundings and social surroundings.

It is clear that any human being receives a motive of delinquency from the external surroundings. This motive does not become effective unless it meets an approval with the doer. Thus an external animating factor is transformed at first into an internal factor in order to induce to an action.

2.1. The Natural Surrounding

Natural Surrounding comes as follows:

2.1.1. The Weather

The relation between weather and delinquency is proved by criminal and meteorological statistics. In hot regions the increase of temperature irritates the population and arouses the tendency to violence. It awakens the abnormal

offence-defense instinct and consequently leads to violent attacks against persons as well as rape and suicide.

On the contrary cold regions absorb any tendency to violence, because their inhabitants go in search of heat and warmth themselves. Therefore, those who undergo abnormal property instinct calmly trace plans to commit for burglary for example while the owners of houses are sleeping deep under their covers. Moreover, it is possible to draft a calendar showing the seasons delinquency. Such calendar indicates that in winter, crimes against property prevail, in spring and summer, crimes against persons, sexual crimes and suicide predominate especially because daytime being longer than nighttime. People interact with each other much more frequently than in winter. Revolutions usually occur in summer. Take the French and Egyptian revolutions for example. They took place in July, the first and the second on twenty third.

The Egyptian General Security Administration Statistics show that in Upper Egypt -where the climate is hot- crimes against persons are much more frequent than crimes against property, while in southern Egypt where the climate is colder, crimes against property prevail in comparison with those against persons.

2.1.2. The Food

There are many arguments which sustain the effect of food on behavior. If one tries to read a book while he is hungry, he feels unable to concentrate on what he reads.

Professor Di Tullio noticed that a group of juveniles was unquiet and undisciplined, and when he ameliorated their nourishment, their behavior was improved. Furthermore, the discovery of stimulating substances such caffeine in coffee and tea as well as that of tobacco and alcohol was accompanied by a change in the behavior of men.

The physician can also prescribe a kind of food that animates the sexual potency. Vegetarians are characterized by a docile character which differs from that of those who eat red meat.

2.1.3. The Dwelling

It is well known that there are slums of poverty that form areas of delinquency in all European, American and Oriental capitals because they are inhabited by exodus in search of work. These slums are called "The Underworld".

As slums are deprived of sunshine and fresh air, their inhabitants rush to the street fleeing from the suffocative and unsanitary conditions of their dwelling, and juveniles as well as young men form gangs due to poverty and envy.

2.2. The Social Surroundings

While the natural surroundings mean the material existence around the human body, social surroundings are the spirits that dominate his soul. These spirits consist of the following factors:

2.2.1. Disorganized Family

Family is the basic group of society. It is the first group that the human being encounters after his birth. Corruptive factors in family could be either passive or active.

*** Passive corrupting factors are:**

- (1) Disunion of family members especially if the mother works out late thus disregarding the child who is in need of her affection and care.
- (2) Death of the father and the presence of a stepfather who often disfavors the stepsons and stepdaughters.
- (3) Death of the mother and the presence of a stepmother who often disfavors the stepsons and stepdaughters
- (4) Dispute or discordance between parents as it distorts their attention to their

child. It becomes more harmful if divorce or separation puts end to it.

- (5) Lack of a maintainer who takes care of the illegitimate child.
- (6) Numerousness of children that exceeds the financial and sentimental capacity of parents preventing them from giving each child the due care.
- (7) Ignorance of education methods on the part of parents.
- (8) Illegitimate sexual relations of either parents, or both of them, with a stranger.

These factors prevent the child from being nourished with the affection that renders him affectionate toward others and the whole society in his future

*** The active corruptive factor**

The bad example given by a deviate behavior of either parents or both of them, setting a bad example and rationalizing bad habits such as addiction to alcohol or narcotics or gambling, the provocation to delinquency or vagabondage.

Both passive and active corruptive factors make the child abandon his family to commit larceny. It could also make him wander in search of some body who would love him better than his parents and thus he falls into the hands of criminals who teach him the art of delinquency in order to deploy his in making illegal profits.

2.2.2. School, Friendships and the Job

If the child is unable to go to school due to his parents' poverty, he tries to learn manual labor under the supervision of a boss. He does the same if he fails at school.

It is untrue that evil friendships lead to evil inclinations. It is the evil inclination that leads to evil friendships in the first place. Anyhow, if the criminal latent criminal predisposition is left unguided and uneducated, an evil friendship will aggravate it.

2.2.3. Economic State

Although criminals often belong to poor economic standards, poor and honest people are still numerous. The rich also have their own criminality.

If the poor person is affected by a criminal predisposition awakened by envy from the rich, it and leads to delinquency. But envy does not, by itself, produce delinquency. A poor person's strong will and determination to become rich could dominate and eliminate their sense of envy and hate towards the rich.

2.2.4. Widespread Beliefs

In Egypt (especially Upper Egypt) and in many other countries such as Southern Italy, there is a popular belief which necessitates retribution and returning evil for evil.

According to this belief, every killer must be killed by a male from the victim's family if this male is ready to do so. If he is of young age, his mother fills his mind, since his childhood with his duty to avenge his relative's death (father, brother, cousin...etc).

If the male, who is ready for vengeance, does not take his revenge, the public despises him and doubts his manhood. Sometimes the family of the victim denies that the killer ever murdered their family member (i.e. clearing the murder's name before the public authority themselves) in order exclude the public authority from their family feud so that they may avenge the death of their family member themselves.

Another widespread belief in Upper Egypt is that of revenge against the honor and virginity of the female. Females differ from males as regards the sexual freedom. If a female loses her virginity without marriage, her act implicates a breach against her family's honor. Her father, her brother or her cousin could kill her as well as her lover.

Taking into consideration such believes, we can say that they act as stimulation of a latent criminal predisposition. In the case that this criminal predisposition is not provoked into an actual crime, the above said believes could simply produce an imaginative delinquency.

Consequently, families exchange revenge against each other till the complete death of all their males. That is why the public authority intervenes to make peace and prevent these family feuds from taking over the role of the state in crime punishment.

2.2.5. Mass Media

Mass-media is any instrument of publicity for spreading knowledge be that knowledge in writing (such as newspapers, magazines and books), heard (such as radio broadcasting), or seen (such as television, cinema and theatre).

These instruments of publicity are a strong source of autosuggestion when it comes to young men and to those who are affected by a criminal predisposition.

Any story, be it is based on real events or composed by literature, contains a dark side, which is developed as part of social objective reality, and a good side in harmony with human conscientiousness. Showing the horror of evil side accentuates the goodness of the good side.

The arrest and punishment of the evildoer at the end of the story is an example of the story's good side. Unfortunately, young men and the potential delinquent stress upon the dark side of the story without meditating upon the good side or the moral purpose or end that the story affirms.

Consequently, autosuggestion of delinquency occurs in three forms.

(1) One form is based upon a deviation of moral conception either by giving to

crime the appearance of a just legitimate act of social struggle and heroism, or by considering the delinquent an innocent person and excusing him from his crimes because he was unable to predominate over an irresistible abnormal psychological state that is out of his will, or by demonstrating the easy profits he acquires as a result of his criminal of his authority, and his success with women who admire his criminal life style.

(2) A second form of autosuggestion is based upon a passionate love of fame.

The vast diffusion of the criminal's name and photography seduces potential criminals to commit the same act in order to obtain the same fame.

(3) A third form of autosuggestion is the perception of mistakes carelessly committed by the criminal in the execution of his crime and how the public authority succeeds in discovering the criminal because of these mistakes. This perception opens the mind of potential criminals in order to avoid such mistakes in the execution of their future crimes and therefore to elude justice by a more prudent criminal execution. In short, it stimulates the criminal thinking of the potential criminal towards the scheming of the perfect crime.

The effects of news of suicide broadcaster through the press or cinematography are worth mentioning. In fact, while suicide is an aggression against oneself, homicide is an aggression against another person. Statistics indicate that suicide acts are more numerous than homicide acts.

If we analyze suicide we will find that it is the modification of the subject of aggression, making oneself one's own victim. The person who kills himself punishes himself for another's fault, instead of punishing the latter. But why he does so? He knows that the great publicity given to suicide will transform great numbers of the public into judges who will judge and condemn the person who drove him/her to suicide.

Young pubescent are more exposed to autosuggestion, because their capacity of criticism is not mature enough. That is why they imitate what they

see the television screen in real life..

Potential delinquents too receive the autosuggestion of delinquency more than anyone else, as the bad and corrupt sides of news and literature stories, attract their attention rather than the good and moral sides.

But just as the press, broadcasting and cinematography are necessary to entertain people in their leisure time, and to renovate their energy, we cannot submit their enjoyment to the condition of showing only the good and flowery sides of life. Hence, the suggestive effects of mass media seem inevitable and for this reason the State could not abolish them.

All that can be done, is the sponsoring of such films before showing them, and of articles before their publication. The state can also prohibit those under-aged youths from viewing certain films.

2.2.6. Illiteracy and Instruction.

We cannot claim that illiterates are evildoers nor can we claim that literate persons are examples of probity.

It is true that narrow-minded and illiterate persons could, in ignorance, fail to distinguish between legitimate and illegitimacy acts.

Moreover instruction could eliminate crimes that are committed due to the ignorance of their perpetrator, whether this ignorance comes on the doer's part or on the victim's part. For example an ignorant person could commit the crime of rape being affected by the chimerical idea that such an act protects reassures him against doubts of his impotency. Furthermore, ignorance could lead the victim himself into crimes such one who is easily hustled out of his money due to his ignorance.

Instruction, whatever its fruits may be, fills the mind with knowledge without refining the feelings of the heart. As a matter of fact, instruction provides the mind with theoretical knowledge about what is right and what is wrong, yet it does not make the instructed person love all that is right and hate all that is wrong.

Education addresses the mind while the instruction addresses the heart and tries to generate and animate secondary noble instincts.

When instruction is obtained by immoral persons, it widens their circle of their delinquency and makes them innovate new forms of criminality. It allows them to discover its methods and secrets.

Edgar Hoover, the manager of American Federal Investigation Bureau gave two loud sounding examples of such persons in his book. Moran who was a well known physician, helped Dillinger, the head of an American gang of murderers, by healing the gunshot wounds of his gangsters at high prices, making masks to disguise them, and altering the patterns of their finger prints for the same purpose. He helped in the circulation of narcotics and stolen money.

Mr. Piquett was the Attorney General in Chicago, and the legal counselor of the killer Dillinger and his strongest secret partner who planned his escape and hideout from the American police

These two examples prove that instruction is often more dangerous than ignorance. This is why, schools should spend equal efforts on both instruction and education. Instruction is like a seed. It will produce good fruit if it is planted in a good soil.

But How can we explain the failure of the United States in the elimination of delinquency in spite of the huge expenditures spent on instruction? The diffusion of primary and secondary instruction led, on the contrary, to an increase

of delinquency.

Consequently, we can say that schools could not eliminate delinquency on their own.

In the past, the inclination to delinquency in students has been accompanied by skipping school. But today school attendance is compulsory, instruction became so even for young potential criminals who add to their dangerousness by acquiring knowledge which they will abuse in the execution of their criminal schemes.

One could claim that delinquency is characterized by illiteracy and that crimes are more frequent in illiterate regions and that there are more illiterate criminals than educated criminals in prison.

But this objection does not mean that ignorance is the motive of delinquency because both ignorance and delinquency could be the product of the same factor such as poverty, inherited defects or mental retardation.

On the other hand statistics do not register all committed crimes because many of crimes are covered and hidden by the more intelligent perpetrators. These crimes represent what is called the "Dark number of statistics".

Professor Carrara says that prisoners learnt reading and writing in prison and when they were released. They used this minimal instruction in writing letters to threaten others in order to extort money from them.

In short, we can say that culture provides the immoral person and the latent criminal with the knowledge that would make him a more formidable threat to society. A science without morals will produce horrible and ingenious crimes that are harder to track. The criminal will always come up with a new scheme to

execute, and even logically justify his crime before society.

Chapter Five

The Dynamics of Crime

1. Dynamics of Crimes Against Property

A larceny could be committed either accidentally or because of criminal predisposition. This has been noticed in the field of juveniles.

A child could steal a loaf of bread because of his hunger. He could also commit “compensating larceny” as a reaction to a situation in which he feels himself abandoned or in need of care. He could commit “consolatory larceny” in a situation in which he feels himself victim of an injustice like being deprived of toys that were given only to his brother or sister.

Such larceny, if it is accidental, disappears with the growth of the child. But if it derives from a criminal predisposition it will reappear in an advanced age.

Even in the field of adults, larceny could be either be occasional or constitutional.

For example, in cases of war, mutiny or economic depression when alimentary supply decreases, thefts could be committed either by occasional or constitutional delinquents.

1.1. Difference Between Constitutional And Occasional Delinquents

Concerning crimes against property, the two groups differ from each other from the following points of view:

- (I) The constitutional delinquent does not hesitate before committing his crime even under ordinary and normal circumstances. He precipitates to

its commission under exceptional circumstances. On the other hand, the occasional delinquent, due to his secondary sublime instincts that balance his fundamental instincts, does not steal before undergoing a long and painful period of hesitation and a struggle against his conscience.

- (II) The occasional delinquent finds it difficult to repeat his crime, while the constitutional delinquent repeats his crime easily and numerously.
- (III) While the occasional delinquent feels repentance after the commission of his crime, the constitutional delinquent expresses delight and pride in his success in delinquency.

In crimes against property, the criminal constitutional predisposition has certain symptoms that reveal the abnormal quantity and quality of the instinctive feelings relating to property instinct.

These symptoms are as follows:

- (1) The personal belief that theft is permissible like any other legitimate job in society.
- (2) The need for an easy source of revenue that enables him to satisfy his voluptuous desires which could not be satisfied through the income of a legitimate job.
- (3) The firm belief that legitimate work is unable to satisfy the minimum life requirements.
- (4) Adventurousness and love of gambling
- (5) A feeling of delight and pleasure accompanies the execution of theft.
- (6) Pride and dislike of begging.
- (7) Incapability of enduring the physical and psychological effort that a legitimate occupation requires.

The constitutional inclination to theft differs from pathologic theft known as “Kleptomania” which means irresistible desire of theft. While the constitutional thief uses the stolen profits to satisfy his needs, the kleptomaniac is obsessed

by the idea of theft, which relieves him psychologically. He feels an irresistible hunger for larceny. He steals even if he doesn't need to steal. He may even dispose of the stolen object instead of using it as the constitutional delinquent does.

(IV) The constitutional inclination to theft could lead to armed robbery when the anomaly of the property instinct is added to an anomaly of offence-defense instinct too.

Sometimes that inclination is specialized in certain kinds of crimes against property such as the pickpocket who is specialized in picking pockets, the burglar who is specialized in breaking and entering into houses and the armed robber who is specialized in using violence to steal.

Moreover, a delinquent specialized in one field of larceny despises his fellow thief who is specialized in another field of larceny. An armed robber despises the pickpocket and one who is specialized in robbery feels incapable of embezzlement although both are two sides of the same coin which is larceny.

An example of the latter is offered by a woman who was imprisoned for thefts committed outside the house in which she worked as a maid. She was incapable of committing larceny inside that house because she was honest towards the jewels of her employer.

2. Dynamics of Crimes Against Persons

These crimes are a result of a continuous or temporary preponderance of abnormal quantity or quality of offence -defense instinct.

The continuous preponderance of such anomaly means the missing or the weakness of secondary sublime instinct and it gives rise to the constitutional violent criminal.

The occasional violent criminal is endowed with a secondary noble instinct that counteracts, the anomaly of fundamental instinct, but for a sudden exception of an external factor, such as an offensive provocation, this balance between the two instincts is interrupted and therefore that anomaly becomes the motive of a criminal violent action.

2.1. Difference Between Constitutional and Occasional Delinquents

Concerning crimes against persons, we have to notice the following differences between the two groups of violent criminals:

- (1) The period of hesitation between the promoting and refraining power does not exist in the case of the constitutional violent crime, while it characterizes the accidental occasional violent crime.
- (2) Trifle provocation awakens the constitutional violent delinquent and sometimes he commits his crime without any other reason than their violent inclination, but the factor which arouses the accidental occasional crime should be of a certain exceptional gravity.
- (3) The occasional violent crime is always proportionate to its external motive, while the constitutional crime is exaggeratedly disproportionate to its motive. There was an incident in Egypt where a buyer fruits eviscerated the seller with his knife because the latter claimed a half piaster more than the price. Another example is that a savage constitutional killer drinks the blood of his victim or mutilates his corpse.
- (4) The constitutional violent crime is followed by a sense of satisfaction while the occasional crime is followed by remorse and a sense of guilt that accompany the doer even after his condemnation or acquittal. While waiting for his sentence, the constitutional violent criminal can have a sensation of blameworthiness that disappears after his condemnation.

3. The Animating Factors of Crimes Against Persons

The criminal predisposition of violence (that is to say the abnormal quantity and quality of offence-defense instinctive feeling) is awakened by the following factors:

3.1. Vengeance

There is an innate inclination to vengeance in mankind, even in children and animals, namely a punishment inflicted in return of an injury or an offense.

Someone thinks that this inclination derives from the feeling of internal reaction against cruelty used towards the child by his father. But this is not the origin of that inclination which is a residue of the primitive life preceding the appearance of the State. In ancient times, the only means of self-defense, under the disposal of individuals and tribes, was to prevent future damage by answering to the perpetrator of actual harm with the infliction of an equal or more serious damage to the wrongdoer. Thus, vengeance was not only a right but also a duty namely a means of realizing self defense in relation to the future.

Vindictive retaliation, namely returning evil with evil, explains the persistence of vengeance until today. A vindictive person is usually proud, full of self-esteem, and has a tendency to interpret the acts of others as offensive while they are not so. He feels disturbed and until he takes his vengeance he remain disturbed until it is taken, then he regains his quietness.

A subculture of violence sometimes dominates young men. It makes them carry knives. They think that violence is a courage and intrepidity. This drives them to use these knives in a dispute.

3.2. Doing Evil For Love of Evil

This tendency exists especially in women who delight in poisoning their dishonest husbands. Such a malevolent woman feels maximum delight in

poisoning and watching the symptoms of agony appears on her victim.

There is also the man who suffers at the hands of others, and then, consequently, he feels the tendency to make others suffer the same as he did.

3.3. Sexual Jealousy

This jealousy is not only linked to sexual instinct. It has a connection with the property instinct too, because it means the fear of losing exclusive authority over the beloved person.

Jealousy is a residue of the absolute power that the head of Roman family was exerting upon his wife which was authorizing him to kill her, according to Roman law.

Till nowadays, the husband looks at his wife as a personal property that does not enjoy any freedom. If he looks at a handsome man other than him¹ he feels disturbed, and if she thinks in her way without blindly obeying him, he feels irritated.

This attitude contradicts the modern women liberation movement that recognizes to the woman the exercise of her own personality and legitimate freedom.

On the other hand, jealousy does not mean love, because it is an abuse of marital influence, unless it is founded on facts that really justify serious doubts.

Real love is based upon mutual trust, exchange of ideas and sentiments, truthfulness, reciprocated care, and spiritual affection. Sensuality in comparison with affection must have a lower position.

Reasonable jealousy as well as unjust one, drives to violence either of the

husband towards his wife or the wife towards her husband, especially when it awakens a latent criminal predisposition. It can lead even to homicide There is an insane jealousy which is a kind of madness.

3.4. Feeling of a Physical or Psychological Inferiority Complex

When a person suffers a deformity or ugliness of a member of his body, he imagines that others despise him. This imagination drives him to maltreat them and generates his aggressiveness towards them.

The same happens when a person suffers an idiocy and thinks that others do not respect him

3.5. Pride and Delight in Seeing Fire

Some persons are affected by a feeling of exaggerate self-esteem like to attract others attention to themselves and enjoy seeing fire flames. They find delight in burning and setting on fire.

Emperor Nero, found a great pleasure in burning Rome and enjoyed seeing its flames while he was playing his guitar.

4. Dynamics of Mass Delinquency

Collective psychology cannot be separated from individual psychology. Both the two explain masses delinquency. We have said that the choice of a certain group to be inserted in, depends upon personal constitutional tendency If one self-tendency is evil, it makes him choose evil companions and vice -versa. To start a rebellion one must have a rebellious tendency

Extremist persons form extremist groups. But a mere formation of a group does not lead by itself to delinquency. In order to give rise to delinquency this group must be dominated by a common revolutionary emotion because its members

suffer together economic difficulties or participate in a political social struggle, or protest against the decline of moral values. Then a collective consciousness of a same suffering must unite the members gathered by the group, otherwise their assembly does not represent any dangerousness.

4.1. The Animating Factors of Mass Delinquency

4.2. Inclination to Aggression

Each individual making part of the revolutionary group feels pushed by a desire of assault that could produce even a homicide.

4.3. The Tendency to Imitate

An individual affected by the same emotion of a group of which he takes part, imitates the members of this group. If all what they do with such a docility, that he commits act of violence equal to their acts, and when afterwards he separates himself from the group and regains his quietness, he wonders how such acts emanated from him.

4.4. The Prevailing of Evil Spirit

Revolutionary popular mass makes its members tend to bad actions instead of good deeds because it sensitizes their fundamental instincts and makes disappear the secondary sublime ones.

4.5. The Paralysis of Intelligence

The intensity of emotion increases when those who feel it are more numerous. That is why the members of delinquency feel paralyzed their intelligence in such a way that they kill whatever person tries to stop their action even if he was in the beginning one of the instigators and felt the desire of attenuating their extreme direction.

A strange characteristic of revolutionary masses is that they become dissipated because of trifles such as drops of a threatening rain

4.6.The Bad Conditions of Life

Bad conditions of life encourage the formation of revolutionary popular groups. That is why government leaders must do their best always to improve people's conditions of life.

Historical events prove that a people can venerate their leader and put his photography inside houses. But after the surpassing of a crisis of social and economic depression due perhaps even to misfortune his veneration is transformed into contempt. Population then tears his photo and perhaps arrests or even murders him.

This happened in Italy in second world war while Germans and Americans were occupying Italy and making war against each other, with great harms for the Italians.

Either American bombs or German ones fell on the Italians, killed many of them and devastated their belongings.

That is why the Italian people rebelled against Fascist government and its foreign policy under the leadership of Mussolini. The latter was murdered by popular masses.

4.7.The Feeling of Omnipotence

When a person takes part in a revolutionary group, he feels strong with the other members collaborating with him and a certain feeling of omnipotence dominates the whole group which thinks that it is insuperable. Each member because of his union with others, imagines that nobody can overcome his group or ask him account of what he does and therefore commits acts that he cannot perpetrate when he is alone.

4.8.Presence of Elements That Facilitate Delinquency

A revolutionary group gathers different persons among whom there are

juveniles, women and constitutional criminals. Juveniles are easy instruments in the hands of adults. They are their executive agents. They throw stones for example obeying the order given to them by adults, break windows of buildings as well as facades of shops, and hurt persons like the policemen.

Women abandon themselves to violent emotions and commit acts which are more horrible than those of men Constitutional delinquents who were released at the time of rebellion join the revolutionary group and seize this occasion to commit crimes such as devastation, pillage and burning.

Criminal popular mass, looks like criminal gang from the point of view that both the two contain an obeyed master called “incubus” and an obedient subordinate called the “succubus”.

But there are differences that distinguish a criminal popular mass from a criminal gang.

Members of a criminal popular mass, meet each other by accident without necessary previous acquaintance. But the members of a gang are acquainted with each other and selected by the chief gangster.

On the other hand, one could not guess in advance the crimes to be committed by a criminal popular mass.

On the contrary gangs are characterized by the perpetration of certain known crimes which represent their criminal specialization and are preceded by traced plans.

5. Dynamics of Sexual Crimes

We have yet spoken about quantitative and qualitative anomaly of sexual instinct. This anomaly drives to crimes such as rape or obscene acts, when it

is not balanced by sublime secondary instinct, namely when it forms a criminal irresistible predisposition

Even when secondary sublime instinct exists, the above said anomaly such as sadism, masochism and fetishism leads to an imaginative delinquency without concrete realization.

Chapter Six

The Source of The Causal Factor (Heredity)

We have said that delinquency emanates from a causal factor that could be accompanied by an animating factor.

The causal factor, we repeat, is the preponderance of quantitative or qualitative instinctive anomaly either permanently or accidentally, because of the complete missing or the temporary defeat of sublime secondary instinct.

We called such predominance “the criminal predisposition” and ‘causal factor of delinquency’

But what is the source of this causal factor or criminal predisposition?

We are convinced that it comes from heredity and in addition from the fact that inherited defects were left without education since the childhood.

1. Arguments in Support of Heredity

American criminologists deny that heredity is the origin of criminal predisposition. They think that this predisposition is the fruit of environmental factors that surrounded the child until his growth.

But we do not mean that crime itself is inherited, that a thief gives birth to a thief or that a killer produces a son who is killer like him. What is inherited is not the crime, but the mere tendency to it. This tendency could not be eradicated. Even if it is subject to education, it is counteracted without being exterminated.

Children are not angles. Before that ambient affects them, you find among them who is docile and who is stubborn, who is quiet and who is unquiet, who is

egoist and who is altruist.

This difference could not be explained unless by heredity.

Heredity is the transmission of physical and psychological traits from an ancestor to his descendant through procreation which occurs by means of fecundation. Fecundation means the union of a male sperm and a female ovule. This ovule produces a fetus that obtains nutrition from the mother's body and grows becoming within nine months at most a baby. It is evident that this baby holds the characteristics of both the male and the female who gave birth to him or to her.

The baby's features resemble to those of his or her parents, and he or she has the same tastes of them and the same diseases.

Heredity action is proved by the following arguments:

(1) Evidently it is the inherited inclination that guides the child to the choice of his human ambient. A good child is attracted by good companions. A wicked child likes and chooses the company of bad fellows. All people are exposed to the microbe of tuberculosis but only those who have a weak structure succumb to it and fall sick. Even after the discovery of bacteria, Pasteur said "Bernard is right, the microbe is nothing, the ground is all".

The microbe of tuberculosis resembles to the temptation of crime. The strong chest which is refractory to this microbe represents the psychological moral constitution impregnated with secondary sublime instinct that cannot yield to crime temptation.

The weak chest strengthened by vaccination is resists tuberculosis microbe, as the fragile hereditary moral constitution fortified by education rejects

the temptation of delinquency.

But a criminal innate predisposition left since childhood without education yields to crime temptation, as the weak chest left without vaccination surrenders to tuberculosis microbe.

Hereditary inclination to crime does not lead inevitably to it, because it can be neutralized by education, so that no crime emanates from it, although its complete elimination is impossible.

Hence hereditary inclination to crime does not mean inevitability of crime, but the inheritance of a ground that is favorable to its occurrence.

(2) Italian scientist Margugho submitted to the international congress of criminology held in Rome on 1938 a case which proves heredity action. It was the case of a boy aged twelve years who was living since his birth with his mother, his stepfather and stepsons. His family ambient was of high morality. Nevertheless, he was different from his stepbrothers who were educated because he was undisciplined, inclined to theft and to the use of stolen money in gambling. Investigations discovered that this boy was the fruit of an illegitimate love relation between his mother and a robber released from prison after the death of her first husband and before her marriage with the second one.

(3) The twins, who derive from one ovum that was divided into two parts after fecundation, resemble to each other in physical and psychological traits as if they were the right part and the left part of one person. Each one has the same tendency of the other even if it is an inclination to a crime. Each one is in accordance with the other as regards the criminal inclination, the time namely the age of its apparition¹ the kind of crime it leads to, the method of execution of this crime, its gravity and the occurrence of recidivism.

The accordance between these twins remains in relation to their fundamental instincts even when they grow in different ambience. This fact could not be explained unless by heredity,

(4) Experience shows that criminals belong to families of criminals. The explanation of this reality is the fact that no woman accepts the marriage with a delinquent, unless she is member of his family and one of his relatives. It is well known that the marriage between relatives transmits the defect affecting the husband or the wife to their descendant.

Then this defect appears in the descendant in a state which is worse than that in which it was in the ancestor.

But in order that this marriage gives birth to a weak and defective descendant one at least of the parents must have a defect, otherwise it does not lead to this effect. The Pharaohs' families in ancient Egypt used to make a sister marry with her brother without producing a weak descendant because neither the sister nor the brother was having a defect.

Then delinquency as a defect is inherited as inclination from ancestors who were delinquent relatives.

Dugdale gave an example proving heredity, of a family produced by a drunken husband fond of women called Max Juke and a wife who was a thief called Ada Yalkes. Both were born on 1720. Seven successive generations emanating from this family contained 76 delinquents, 142 vagabonds, 128 prostitutes, 91 illegitimate children, 131 impotent idiots and mentally sick and 46 sterile.

This family cost many millions of dollars that the budget of the State spent in courts, prisons and hospitals.

Inherited criminal predisposition consists of a quantitative or qualitative instinctive anomaly as we said. It could be either of certain or uncertain direction as regards the crime to which it leads.

Heredity could be direct from a father to his son, or indirect when two or more generations separate the heir from his ancestor.

2. Identical and Similar Heredity

It could be identical heredity or similar heredity. Identical heredity means the inheritance of the same trait existing in the ancestor, for example when both the heir and his ancestor are killers, thieves or embezzlers.

Similar heredity means that the heir does not receive the same trait of his ancestor but a similar one, for example when an ancestor who is mad, epileptic or drunk has as successor one who has not the same defect as his, but the defect of delinquency.

The same heredity is that which a delinquent has as successor a prostitute, or an insane. An epileptic ancestor can have as successor a precipitate.

3. Heredity and The Pre-Pregnancy Period

The action of heredity is terminated by fecundation. Hence, the factors affecting the fetus other than heredity are called prenatal factors. These factors could be concomitant with fecundation or successive to pregnancy.

The following factors could accompany the fecundation and give rise to a defective baby.

- (1) The bodily or psychological exhaustion of both the husband and his wife or of one of them.
- (2) The pregnancy before the age of twenty years or after the age of forty five, or

when there is great difference of age between the husband and his wife.

- (3) The pregnancy occurring while both the Husband and his wife or one of them is drunken.

The drunkenness of the father is more harmful than that of the mother, because alcohol damages the sperm more than the ovum.

- (4) The pregnancy during war or after war.

4. Heredity During Pregnancy

If the wife becomes drunk during her alcohol poisons the fetus and leads to his death. In such a case, the proportion of alcohol in the blood of the fetus was found equal to its proportion in the blood of the mother.

When pregnancy occurs while one of the parents is drunk, it leads to the death of the born child at an early age, and even when the child lives till his growth, he could not resist against some diseases like tuberculosis and he could be delinquent, idiot or epileptic.

Drugs have the same harmful effects of alcohol. If the parents consume drugs such as cocaine and morphine before the intercourse, these drugs damage the fetus. Even after the birth of the child his contact with parents who are addict to drugs, produces bad effects on his character.

There are factors which harm the fetus during pregnancy. They are:

- (1) The profound psychological depression of the pregnant, whatever is its cause.
- (2) The state of great panic such as accompanies the explosion of bombs.

Any disturbance of the pregnant woman's peace produces harmful effects

on her pulse, her respiration, her blood circulation and her glandular secretion. These effects harm the fetus and could cause an abortion or a birth before its normal time.

If this does not happen, the physiological organic changes in the body of the pregnant exert a bad influence on the physical and psychological formation of the child.

The panic and economic depression that dominate during the war give birth to those who are called in Europe “sons of blockade”, “sons of bombs attack” or “sons of panic”.

(3) Severe blows on the abdomen of pregnant woman could harm the psychological or bodily formation of her child.

Chapter Seven

Methods Of Research In Criminology

We have said that criminology is subdivided into three min branches which are criminal anthropology, criminal sociology and criminal psychopathology.

1. Criminal Psychopathology

As criminal psychopathology deals with the madness which produces delinquency, and this branch belongs to medical science, we shall not study it although it gives us certain data that could clarify the delinquency of same persons too. As a matter of fact, madness is an enlarged figure of what exists, in minimized one, with ordinary persons.

We have seen that criminal anthropology employs as method of research, the medical examination either of the body internally and externally or of the psyche.

In addition to medical examination it needs social investigation to determine the delinquents precedents in his family, at school and during his military service.

Social investigation indicates also if there delinquents or sick persons among his relatives.

Moreover, the delinquent's file of inquiry must be studied to answer, as Professor Soelig says, to the following seven interrogations who, what, where, by what, for what, How and when.

These interrogations mean respectively, the following:

(1) The victim (who) could have had a part with which he contributed to the

occurrence of the crime and which could be taken into consideration in the evaluation of the doer's dangerousness.

- (2) The object of the crime (what) could have had a characteristic that facilitated the commission of the crime, such as its smallness that makes easy its hiding (like jewels for example), or its being exhibited in such a way that demonstrates its value and tempts others to take it, or its abundance in a store, or its importance from the economic point of view like ailments in time of crisis and cash money in times of monetary stability.
- (3) The place of the crime (where) could have been deserted or badly illuminated or easily accessible, hence it facilitated the commission and hiding of the crime.
- (4) The means of executing the crime (by what) could have been a poniard, a revolver or an instrument for fracture, etc. The inquiry indicates its kind, how the doer obtained it, its efficiency, and his capability of using it.
- (5) The motive of the crime (for what) is indicated by the inquiry which demonstrates the instinctive origin of it.
- (6) The modalities of crime execution (how) mean the situation in which the doer committed his crime. Such situation could invite the doer to commit it, like finding a purse of money in a deserted place or receiving from the bank by mistake an undue banknote on the occasion of reimbursing a check, or the fall of a testament in the hands of the testator's son who discovers that his father gave in favor of his female lover a great donation. The first and second situation induce to a theft and the third drives to a destruction.

These situations generate, in occasion of committing a crime.

In other cases the occasion of generated by the doer himself, breaking into a house to steal.

But sometimes, the situation is neither inviting nor created by the doer, but it is intermediate namely inviting and created in the same time. An example of

such situation is the mass mutiny as it is an inviting occasion and a created one. The evildoers seize this occasion to commit pillage and destruction.

(7) At last the time in which the crime was committed, and whether it was nighttime or day time, is an important element in the evaluation of the doer's dangerousness.

In conclusion, the methods of research in criminal anthropology are: the medical examination the social investigation and the study of inquiry tile.

In criminal sociology, the methods of research is the statistics by means of which the relationship between delinquency and the other social phenomena is measured.

This measurement of social phenomena is accomplished by counting, while the measurement of physical phenomena is achieved by units of length, weight temperature etc. Counting is the means by which the measuring of human phenomena approaches to the exactness of measuring physical ones.

We mean by counting, the proportion of delinquents in each category of individuals characterized by every social phenomenon such as bachelorhood and marriage, poverty and richness, urban life and rural one, high and low social class...etc

2. Criminal Sociology

we have treated the criminal anthropology and now we treat the second category of criminology which is criminal sociology.

Concerning criminal sociology, we approach the relation between delinquency and other numerous social phenomena. They are as follows:

- (1) The economic state
- (2) The social Class
- (3) The degree of civilization
- (4) The kind of life
- (5) The kind of job
- (6) The civil status
- (7) The war and post-war period
- (8) Industrialization

In this study we shall suffice with the first Four points.

2.1. The Economic State

Both general welfare and general economic depression lead to delinquency as they animate the criminal predisposition.

Rich men are deprived of this predisposition because they often spend their time in entertainment and leisure, which distracts them from employing their riches in useful enterprises.

On the other hand, poverty could lead the poor person to commit the crime of armed robbery in order to get the Rich's money.

As a matter of fact, organized criminal associations, such as the Mafia, commit their crimes in under any economic circumstances.

But, in order to identify the impact of the economic state on the behavior of people, the population should be divided into economic degrees, to determine the proportion of delinquents in each degree. Each degree could be divided into groups containing each ten thousand individuals for example

A sign of economic graduation, could be the number of persons sleeping

in one room. If the family is characterized by the fact, that in each room a single person sleeps, this means that it is in an economic prosperous state. If two sleep in each room, this means that the family is less prosperous, and so on.

The fiscal situation is also a sign of economic state. Those who are exonerated from the payment of fiscal duties represent a section of poverty.

Those who pay these duties could be divided into economic sections according to the amount which they pay.

The research should not be limited to prisoners, but it must be extended to the whole population if you find among prisoners of a village five rich delinquents and twenty poor ones, this could mean seemingly that poor persons are more delinquent than rich ones, but this significance will be completely changed if all rich persons in the village are ten and all poor persons are hundred. Then the proportion of delinquents among rich men considered globally arrives at fifty percent while it does not exceed as regards poor men, twenty percent. This example proves that the concentration of the research in the field of prisons leads to erroneous results.

Therefore, the right method of statistics is the division of the entire population into graduated sections, according to the economic state and the age too. Each section is composed of individuals having the same age and the same economic state. The delinquents of the same age and economic state are referred to their section to determine their proportion that could be expressed in relation to thousand or ten thousand persons. In this way

We can compare between the different economic sections as regards the extent of delinquency in each.

Evidently, the population is a mixture of different ages, and if delinquency

is referred to its entirety, there will be a confusion between the effect of different ages and that of the social phenomenon in question. In order to isolate the effect of age and to maintain only that of the social phenomenon the different economic sections should be divided into the different ages to discover separately the effect of economic states.

We have seen that delinquency increases in juvenile ages and decreases with the advance in age.

The connection between delinquency and economic state is in need of clarification locally and universally.

We have explained the statistical way of resolving this problem and we propose to take this way in different countries in the same time and in different times in the same country. As reality is the same, everywhere comparative investigations confirm it or contribute to its discovery.

Professor Niceforo assimilates the temptation of crimes against property to the magnet.

The population exposed to this temptation is assimilated by him to the scrapings which are subject to the attraction of the magnet.

Those who are refractory to the temptation of crime correspond to the wooden scraping that the magnet is unable to attract.

Those who succumb easily to that temptation correspond to the metallic scraping that the magnet attracts instantaneously.

But if a violent storm blows, it pushes by force to the magnet even the wooden scraping as the exceptional circumstances of crises lead the ordinary man to the commission of

an occasional crime.

2.2. Social Class

The social class is the synthesis of culture, richness and job combined together. It is the fruit of interaction between these three elements. One of these elements which is richness has been studied in isolation as regards its relation with delinquency Culture has been studied also in its connection with delinquency when we spoke about instruction and illiteracy. The relation between job and delinquency could be studied separately too.

But now we face the social class as the combination in each person of those three elements.

A person of high culture could be of high job but of low richness. Another who is excessively rich could be of low culture (and perhaps could be illiterate) and of low job.

Jobs are always of equal usefulness to society but they are not of the same rank because they differ from each other as regards the requisites of their exercise and the skill they require.

From this point of view, a janitor has a low job in comparison with a surgeon.

2.2.1. The Relation Between Social Class and human Behavior

(1) The measurement of physical capacities. The physical capacities of the individuals of high, intermediate and low social classes, in the different phases of age, demonstrated that the average of these capacities is higher in high classes than it is in low ones, and that the defectives of body and mind are higher in low classes than they are in high ones. For example the height of stature, the dimensions of the head, the weight of the body, the muscular power and the

power of lungs-which are bodily characteristics-have in the individuals of a low class and a certain age. An average which is lower than that characterizing the individuals of the same number and age belonging to a high class.

(2) The measurement of psychological capacities. Psychological capacities are measured by IQ (Intelligence Quotient) tests, the same result appeared. The field of such measurement is composed of the pupils at schools, the young men in military service, the inhabitants of poor districts in comparison with those of rich districts, the families of simple workers in comparison with those of specialized workers.

On the other hand, the same measurement indicated that the number of defectives of body and mind are more numerous in low classes than in high ones, and that the number of endowed persons is more numerous in high classes than in low ones.

This means that defective persons exist in all classes but their number is more in low classes than in high ones.

The explanation of this phenomenon is that the continuous pressure of poverty (as lack of richness) of narrow mind (as lack of culture) and of abject job (as lack of a high one), causes from generation to generation, the submission to a big burden of misery, unsanitary dwelling, bad nutrition and lack of readiness to listen to morality stimulants, and all these factors produce a weak body, an irritated soul, a tendency to violence and an obscuration of morality sense.

The continuousness of these adverse factors through the time gives birth to physical and psychological defects in the descendants.

Therefore, the weight of the born child as well as the length of his body for example depend of his mother's social class, her health, and her quiet or troubled pregnancy.

2.2.2. The Results of this Relation

- (a) As the material gain of a person deprived of richness depends upon his bodily and psychological capacities, the defective person of body and mind has less gain than that of a same person.
- (b) Experience proved that the unemployed persons in normal times, contain many defectives of body and mind. The unemployment of such persons is not due to what is called "bad luck", but it is the result of a bodily and psychological disability of work.
- (c) Mendel examined the case of eighty-five vagabonds in Berlin and he found six of them mentally retarded, five defectives, eight epileptics and fifty two mentally disturbed.
- (d) In order to clarify the relation between delinquency and social class, we have to remember the distinction between the constitutional delinquent and the occasional one.

The constitutional delinquent as we said, commits his crime because of the permanent preponderance of his fundamental instincts, while the occasional delinquent falls in delinquency because of an accidental prevailing of them.

The criminal constitution could have existence in a rich person as well as in a poor one, in an instructed person as well as in an ignorant one, in one who has a high job as well as in one whose job is low.

The same is true, as regards the occasional criminality too.

The secondary sublime instincts could be either innate or acquired by means of education.

But the state of poverty, ignorance and abject job makes the person so engaged in seeking the satisfaction of his life requirements, that he cannot listen to any preachment and therefore he could not acquire any secondary sublime

instinct.

On the other hand, the comparison that he makes between himself and the individuals of high class generates his envy.

We repeat here the same remark which we have made as regards the economic state. The research of the relation between the social class and delinquency did not yet reach the exactness of scientific method. As a matter of fact, this method requires the division of the people into classes according to the degree of richness, culture and job, and the determination of the proportion between the number of delinquents in each social class and the whole number of its members. In addition, the kind of crimes committed by the members of each social class should be indicated. But this scientific research has not yet been undertaken all over the world.

Nevertheless it is incontestable that the members of low social class are not all of them delinquents. Among these members, there are those who are endowed with physical and psychological gifts, listen to morality stimulants and therefore they become rich after poverty cultured after ignorance, and ascend to a high job.

On the contrary, those who belong to a high social class but are defective of body and mind descend to a lower class, because of their expenditure and carelessness.

This phenomenon is called "the ascending and descending" between social classes, and it is characterized by secrecy and graduation. it is neither patent nor sudden and it is very useful to human society and it is the fruit of the natural law called "survival for the fittest".

Such movement of ascending and descending operates permanently but

it could be harmful to human society if it acts in an unnatural way by being very slow or very precipitate.

Its slowness leads to the accumulation of defectives in high classes and of endowed in low classes.

Its speed makes ascend to a high class persons who should remain in their low class, or makes descend to a low class those who should remain in their high class. In both cases, social peace and progress requirements are violated.

2.2.3. The Conflict Between Classes

The Italian scientist Professor Niceforo says that envy makes the man suffer the sight of others richness more than suffering his own poverty, that the envious man makes a comparison between himself and those who are in a better condition than his, hence he hopes the fall of that condition even if this fall doesn't implicate any improvement of his own condition.

Moreover, he gives the following details as consequences of his right principle saying that:

- (a) Each group that finds itself in a bad condition in comparison with the condition of another one claims rights it pretends that they are essential and were enjoyed by the other group since long time. When it obtains these rights it claims another ones and so on.
- (b) The continuous claiming of rights is due to a psychological factor that dominates the behavior of individuals and groups and it is the fact that each goal when it is attained, loses the brilliance it was having in the eyes of who was trying to reach it and seems in its reality less than what it was in the imagination of who was searching it. This phenomenon is, called the "deceit of desires".

Moreover, a natural trait of mankind is the instability of desires. When a

man obtains a gain, he continues his struggle to reach another and so on.

- (c) When the group obtains rights of which it was while a another deprived group was enjoying them, it tends to be completely equal to that other group in all its rights, but this equality does not satisfy it as it continues its struggle to prevail upon other groups.
- (d) Then each group hates any other which is in a better condition than its one, the miserable find their delight in seeing all others miserable like them without considering that this delight does not change their own miserable condition. They want to see all others unlucky like them instead of searching luck for themselves.

This is the secret of sufferance in society, because envy generates sanguineous battles and criminal actions.

- (e) As each group tends to prevail upon the others, it employs slogans having the appearance of being noble while they hide personal ambitions that have nothing to do with public interest. But each group commits actions that were blameful in its opinion when they emanated from other groups.

This fact, according to Professor Niceforo, explains not only delinquency but also the political history of populations.

Each nation passes from dictatorship, to the autocracy of a. certain number of masters, to the democracy, and each form of government leads because of its abuse to the other one in a vicious circle. As Machiavelli says good follows evil and evil follows good incessantly.

Professor Niceforo denies that he is pessimist and says that human life goes on so.

To clarify the relation between social class and delinquency whether in its' quantity or quality, a statistical research should be done, dividing into social classes the whole population, and indicating the proportion of delinquents in each class.

2.2.4. The Role of Culture, The Job and The Financial Status

Taking culture as basis of statistics, the number of illiterates, should be determined as well as that of those who read and write according to each of instruction degrees.

Taking the job as basis of statistics, the number of managers should be determined as well as that of subordinates.

Taking the financial status as basis of statistics, the population should be divided into sections according to the amount of fiscal duties paid.

These three elements should be joined with each other to draw the division of individuals into social classes. But we have to notice that those who occupy subordinate jobs are young men while those who are managers are of advanced age. We know that delinquency flourish between young men and decreases in old ages. Hence if we find delinquency more numerous among subordinates than among managers, this could be explained by the effect of age independently from social class. To obtain exact results about the influence of social classes, these should be divided according to the age.

After the above said division statistics should show the number of delinquents among the whole members of each social class and draw the proportion of delinquents in each class and the kind of crime committed by it.

Such scientific research is not yet undertaken all over the world. Notwithstanding, it has been noticed that the quantity of delinquency is greater

in low classes than in high classes and that delinquency is characterized by violence in low classes and by deceit in high classes.

The member of a low class, affected by a criminal predisposition, commit homicide, assault, arson and armed robbery, while those of high classes, when they are affected by criminal predisposition commit embezzlement and hustling.

Someone says that delinquency seems of an apparently greater number in low classes than in high one because members of high classes succeed in hiding the crime after its commission and in voiding conviction when they are put in trail because of their personal influence and their possibility of charging great advocates for the defense of themselves.

But Professor Niceforo explains the success of high classes in eluding justice, saying that they are more clever and intelligent than the members of low classes and that their prosper condition enables them to commit deeds that are not crimes but are more dangerous and wicked than crimes.

Some writers explained the prevailing of violence in the criminality of low classes by saying that these classes correspond to humanity in its ancient primitive state which was characterized by violence. But we can admit that violence could prevail even in modern societies during certain periods of crisis.

That is why Professor Niceforo finds the explanation of that phenomenon in the feeling of envy that dominates them towards high classes.

From what the above, we draw the conclusion that each miserable person should straggle to obtain wealth instead of hoping the misery of wealthy persons.

2.3. The Degree of Civilization

Civilization means the people's standard of living as regards its material,

intellectual, moral, political and social life.

Hence civilization could be material, intellectual moral, political or social.

Material civilization consists of material instruments that make life more comfortable for human beings.

For example, in the past, men were using in transport donkeys and horses, but now they use motorcars and airplanes. The ladies were washing their clothes by their hands, but now they use washing machines.

The degree of material civilization differs from a country to another and from a region to another in the same country.

In some countries like the United States, there is nearly a motorcycle for each individual or at least for each family. But in other countries there could be a motorcar for each hundred individuals or fifty.

The material civilization of the southern part of a country could be less than it is in its northern part.

As a matter of fact material civilization, has been progressive and continues to be so with the discovery of new inventions and it could be represented in the graphic by an ascendant line.

2.3.1. The Effect of The Material Progress of Civilization on The Quantity And Quality of Delinquency

(a) "Intellectual civilization" means the people's standard of culture. In order to measure this civilization, there are many Signs that could be subject to the statistics aiming at that measurement. In Italy, for example one of such signs is the number of spouses who signed their contracts of marriage, in each

hundred contracts.

It is easy to establish the proportion of illiterates in the population, as well as the proportion of those who can read and write, those who achieved their primary study, those who obtained the preparatory certificate, those who have the secondary Certificate, those who have a university degree, those who have a Ph.D. degree, and the proportion of each group in the whole population.

- (b) "Moral civilization" can be measured by the quantity and quality of crimes committed, the number of civil cases submitted to the courts, and the proportion of each number in relation to the whole population.
- (c) "Political civilization" means the system of election and the part it gives to the people in the government of itself.
- (d) "Social civilization" means the methods followed by the people in spending its leisure time.

It can be measured by the number of songs, poems and prose, works of art, newspapers and magazines, plays in theatres, films showed on the television and cinema, music concerts and sport competitions.

2.3.2. Observation

As regards the civilization, Professor Niceforo gives the following statements:

- (1) There was a progress in the material civilization because of the previous inventions and of those which are expected in the future. This progress does not consist of creations. It consisted and will consist of discoveries which reveal more secrets of the creation and new ways of drawing advantage from them.

The intellectual civilization was and will be progressive through the

expansion of instruction and knowledge.

Both the material and intellectual civilization could be represented in the graphic by an ascendant line.

But no progress has been registered neither in the moral civilization nor in the political or social progress.

The moral civilization did not extend itself along the time because wicked persons existed in the past and will remain and even increase in modern times.

The political civilization of humanity did not realize any progress because all forms of government have been practiced: dictatorship, democracy, communism and socialism.

The social civilization in all its signs existed since ancient times. There have been music, poetry, prose, legends theatres, songs. The radio, the cinema and the television belong to material civilization as new instruments of extending news and knowledge.

Therefore, moral, political and social civilization could be represented in the graphic by a horizontal line.

(2) If it is illusive to say that the progress of civilization delimits delinquency, it would be more erroneous to say that this progress leads to its complete suppression.

(3) The progress of material civilization, such as improvements of material instruments of comfort, appeared especially between the end of the nineteenth century and the beginning of twentieth century and was called modern civilization. But it did not spread over all countries or all regions of each country or all citizens of each, as it was enjoyed only by high classes of

the people.

- (4) Even in the field which attained the material civilization, delinquency was neither suppressed nor diminished. All what happened was the transformation of violent crimes into deceit ones, as persons used in their delinquency their minds instead of their bodies.
- (5) Such transformation of delinquency into deceit crimes is not always constant. It can be interrupted by periods of relapse in which violent criminality reappears and dominates.

By following political evolutions in the history of nations and their effect on delinquency, the following phenomenon came out, namely the fact that the acts which are criminal by nature, prevail *delicta mala in se* unless the government is autocratic, because the acts which are considered crimes then, are not so by nature but only because they were prohibited by the law *delicta mala quia prohibet*.

- (7) The modern civilization accelerated the ingress of young men in the campaign of social practical life, therefore the juvenile delinquency and the acts of suicide increased.

Moreover, as women abandoned their homes and were obliged by the struggle for life to do the same work of men, women delinquency increased too.

- (8) Whatever can be the progress of material and intellectual civilization, no progress is expected in the field of moral civilization. Men appear in concordance while each of them is for his fellow a wolf. *Homo homini lupus*. Their interests are always in conflict. They are dominated sometimes by a feeling of contentment and sometimes by a feeling of discontent. They are always divided into two categories, one is high and contains the fortunate persons, and other is low and contains the unfortunate.

Envy flourishes between the two categories. That is how the relations between men, go on, in all times and places.

People in society are submitted to the law of forest according to which it is unexpected that a wolf dwells in peace with a lamb *habitat lupus cum agno*, or that a tiger lies together with a male sheep *pardus cum haedo accubabit*

2.4. The Kind of Life

We mean by the kind of life whether the life goes on in a town or in a country, namely whether it is urban or rural.

We indicate now the ways followed for the distinction between urban life and rural one.

- (a) The first way is the classification of administration centers according to the number of their inhabitants. If the inhabitants of the center are less than five thousands it is considered rural, while the centers the inhabitants of which are more than five thousands are considered urban.
- (b) The second way is the study of the economy of each center. If it is based upon agriculture, the center is considered rural, and if it relies upon industry, the center is considered urban.
- (c) The third way is to consider urban the capital of each administrative center and rural the regions other than the capital.
- (d) The fourth way is to count the number of persons occupied by agriculture in each center to determine their proportion in relation to the whole number of its inhabitants and to consider the center rural when this proportion reaches a certain limit and urban when it is beneath this limit.

2.4.1. Statistics

As regards the statistics indicating the relation between the kind of life and the quantity and quality of delinquency two methods could be followed: one takes

into consideration the individuals and the other takes into account the places.

The first method indicates the proportion of delinquents among those who are occupied by agriculture and the same proportion among those who have other occupation.

The second method determines the proportion delinquency in the urban centers and in the rural ones.

We mean by the proportion in the first method the number of delinquents in each hundred thousand farmers and the number of delinquents in each hundred thousand.

The Italian statistics indicated too that the quantity of delinquency is greater in the capitals of administrative provinces than in the rest of their parts, that it is more numerous in industrial centers than in agricultural ones, and that the prevailing delinquency in the towns is the deceit crime while it is in the country the violent crime.

Then the number of crimes committed in the town is greater than it is in the country.

Ancient researchers noticed that when wealth increases suddenly in rural regions, the number of offences against property augments. For example Joly says that as soon as poor farmers transformed the arid lands into fields of grape, and the prices of agriculture products were raised, because of the installation of railways those farmers began to long for others' property, looking like who frequented once the bourse and won, then his only worry became how he obtains much more money.

We allude now to the theory of the French Professor Tarde, called the

“economic cycle”. According to him, delinquency is not due neither to poverty nor to wealth, but to the sudden descend to poverty or to the sudden ascendance to wealth. He says that the economic life of individuals and societies passes through three phases: a phase of imitation and repetition, a phase of insurgence and uprising (namely of imitation in the opposite sense) and a phase of conformity and uniformity. In the first and third phase of economic life, the individual does not find a motive to deviate from the natural behavior.

But when the second phase emerges, his deviation takes place. Whenever a new need arises and interrupts the habitual going on of conformity and uniformity phase, because of the appearance of a new invented article or of a new kind of work, a momentary and unavoidable rupture of that phase occurs and originates a momentary economic distress which leads to criminal actions.

Therefore in order to maintain individuals and societies in good moral health, the stability of economic conditions as regards production. and consumption is required.

2.4.2. Urban And Country Societies

We have to remark that for the exactness of statistics concerning the effect of the kind of life on delinquency, the inhabitants of the town and the country should be divided according to the age, so that the age does not obstruct the revelation of the influence exerted on delinquency by the kind of life is considered in isolation.

Now let us explain why the quantity of crimes in the town, is greater than it is in the country. There are three opinions that give this explanation.

One opinion explains that phenomenon saying that the police are more alert and active in the town than in the country.

Another opinion explains it saying that the inhabitants of the town are heterogeneous while those of the village are homogeneous. Those of the town embrace immigrants from the country who are in search of work, beggars, professional criminals. These live in the underworld that does not exist in villages.

A third opinion stresses upon the difference between the inhabitants of the town and those of the village, in relation to their psychological traits.

Countrymen differ from townsmen as regards the psychology and we mean by countrymen the owners of small land properties and the exploiters by means of crops sharing.

These countrymen are characterized by the following traits:

(a) Patience and forbearance.

As a matter of fact, the cultivation, plantation and irrigation of the soil make the peasant give time to time. He ploughs the soil, spreads the fertilizer, disseminates the seeds, irrigates and waits till the plant appears grows and gives its fruits, then he is occupied by gathering the harvest. That is why the peasant does not feel annoyance.

(b) Conservation. avariciousness and opposition to change

The peasant is linked by ancient habits and traditions. He is attached to his soil, desirous to increase its area even with an acre. For this desire, he is a miser and exaggerates in saving. He dislikes politics and he uses ancient methods of cultivation and he is very slow in adopting new modern and useful methods.

(c) The affection for the most useful son

The peasant considers his family as an economic and productive unit. He feels the most affection for the most laborious of his sons.

(d) Isolation and lack of contact

The peasant remains in his field far from his neighbor's one. The cultivation of his soil takes up all of his time that he has no time to get in contact with others and from the denunciation of committed thefts.

On the contrary, townsmen are always in contact with each other and they care about reporting any theft as soon as it is committed.

Nevertheless, the contact of a townsman with others dissipates usually any evil intention which emerges in his soul, while the lack of contact characterizing the countryman contributes to long meditations and to the fermentation of evil intentions. This is why violence is much more frequent on the side of countrymen than on the side of townsmen.

After having explained why delinquency is less in the country than it is in the town, we face now the explanation of its increment in the town.

Professor Niceforo alludes in this connection to the existence in great towns of an underworld that lodges vagrants, beggars and criminals. Such underworld does not exist in villages.

2.4.3. The Increase in Urban Crime and its Factors

- (1) The first factor is the accumulation and agglomeration of persons in the abject districts of the town. A young man who is in company with others commits crimes that he is unable to perpetrate alone.
- (2) The second factor is the attractions the nightclubs and the charms of the city as they induce many countrymen to the exodus from the country to the city. They are different from other ones, because their ambitions are not limited by the narrow career of agricultural soils and they are agitated by the desire of adventure in search of new things. As they come to the city, their sort depends upon their personal ability. Some of them ascend to the top of society and

some others descend to its bottom and perhaps to the prison.

- (3) The third factor is that the conditions of life in the city push the juveniles to an anticipated entrance in the practical life and they behave in a way which is not in harmony with their age and could lead to their delinquency, like drinking alcohol.
- (4) The fourth factor is that the nature of life in the city induces to kinds of deviance to which the life in a village does not give birth, such as begging pander, bribery, forgery, fraud and stealing from pockets.

Chapter Eight

Criminology as an Applied Science

1. Criminal Policy

The first demand of criminology is that the criminal's mental health should be examined; and if this is shown to be disturbed, treatment should follow accordingly. Although, of course, punishment is not excluded in such cases, the rule should be that medical treatment is indicated, under judicial guarantee, of course, that the safety of the community remains assured.

The first thing to ascertain for criminals who are sound in mind, is whether or not restriction of their personal liberty is absolutely necessary. If this is not the case, a fine will generally be the punishment indicated. Providing it be suitable to the financial circumstances of the offender, and collected by a suitable method of payment, it has been proved to be a very effectual punishment. In certain cases, even a conditional fine may have its uses.

In cases where a mere fine is not sufficient, a threat of restriction of liberty (conditional sentence; when accompanied by special conditions, this amounts really to treatment of criminals in free society) is indicated. This was first introduced early half a century ago. It was later applied universally, and has proved a great success. The conditional sentence has been a great lesson to those who saw the only remedy in severity of punishment as well as to those who thought that the mere threat of punishment was not an efficient brake on criminality. The imposition of fines and conditional sentences tends to effect a considerable reduction in the number of short-term imprisonment. These then remain in reserve for those cases in which a good effect may be expected from a sharp correction; i.e. cases in which little or nothing can be expected from educative measures, and which, accordingly, demand cellular imprisonment.

2. Reformatory Measures

There remain the more serious cases. Here, the first thing to ascertain is whether any good result may be achieved by 'forced', i.e. reformatory, education. In the case of children, this is always imperative; with young persons very often, and in cases of young adults frequently advisable; the thing is, in these matters, not to despair too soon. Numerous criminals are neglected individuals, who, after all, should have one good chance of learning how to adapt themselves to the demands of society. The results in those countries where this reformatory education exists, are encouraging.

In cases where the idea of interfering by means of reformatory education is misplaced, ordinary detention should ensue. The difficulty of fixing the duration for this is considerable, and will always remain so. Any fixed length of time for it will always be more or less arbitrary. A correction of this has been found in the form of the 'conditional discharge' (on parole) which ends the detention when it is no longer thought necessary in view of the safety of the community.

3. The Application of Punishment

The method to be used in applying detentory punishments form one of the most tricky problems with which practical criminology is faced. Punishment of criminals in a body, without selection and education, has proved in practice to be a great mistake it has indeed, not without good reason, been called 'the criminal university'. The reaction to this-cellular imprisonment-has proved an error only slightly less serious. Weakened both physically and mentally, unaccustomed to ordinary work, which in present-day society is hardly ever done alone by anybody, unaccustomed also to human intercourse, the discharged man leaves the prison, more poorly equipped than ever for the struggle for existence. The solution is probably to be found in a combination of what is suitable in both these systems: a limited and selected community, and isolation during the night. This method will also provide opportunities for the application-be it in a limited form of the educative idea, which always has its value. Doctors do not talk straightaway

of 'incurable' patients either; and it would be a good thing if their example were followed in the field of criminal law. Working in a well-appointed factory, or on the land, more closely resembles ordinary life in freedom, and offers a better chance of success after discharge, than cellular labor does. For those who feel, or prove to be, unfit for communal life, the cell remains the place indicated during meals and recreation time.

There remain, now, the very gravest of cases; the professional and habitual criminals. For these people, long-term detention (called in England 'preventive detention') is imperative, however much mitigated one may imagine the regime to be. An unjust reproach is frequently leveled at modern criminology, namely that it has wanted to be too soft in dealing with the criminal. This reproach should be returned to whence it came: the classic school has been too severe towards ordinary criminals, for they are often more troublesome than dangerous, and too soft with the really dangerous individuals, especially with professional criminals. In some cases, of course, we have to be severe, but only when experience shows that it is necessary. Sometimes, too, the judge is not in a position to leave out of consideration entirely the thought of general prevention, and is obliged to act more severely than the case which has been submitted to him would, in itself, have necessitated. Whoever might stamp this as a reactionary view does not know the psychology of some classes of criminals, nor realize the dangers which threaten society from that quarter. The final consideration in all this, however, should never be the desire for revenge, but, solely, social necessity. Severity-which is sometimes necessary-and humanity are not mutually inconsistent or exclusive. Doctors too, may be permitted one more comparison with their profession-are not infrequently obliged to interfere drastically, and not spare the patient a certain amount of pain in order to prevent worse.

The same applies to criminal law. Providing always, that one deeply realizes the tragedy which is part of the nature of crime; providing, also, that one keeps dearly before one's mind's eye the fact that criminals are among the most

unhappy of our fellow-beings, and that, therefore, it is our duty to exercise the greatest humanity in our treatment of them

4. The Legislative And Judicial Individualization of Punishment

Upon criminology depends the individualization of punishment in the legislative, judicial and executive phases, as well as the treatment of juvenile deviation and delinquency in order to avoid the aggravation of juveniles' adverse conditions with their growth in age.

As an example of legislative individualization we can mention the case of the husband who surprises his wife while she is committing a flagrant adultery and kills her or her lover or both of them. The law mitigated his punishment prescribing for him the imprisonment as a penalty instead of the perpetual or the temporary hard labor as a penalty of homicide (art. 237 of the Egyptian penal code).

Another example is the accompaniment of imprisonment with compulsory labor, in the treatment of convicted thieves in order to teach them a legitimate job.

The judicial individualization means that the judge determines for each culprit the deserved penalty according to his individual dangerousness, between the maximum and minimum of the penalty.

Another example of such individualization is the possibility that the judge replaces the imprisonment of a thief who has a previous criminal record with the installation in an establishment of labor whenever their emendation requires this replacement (art. 52,55, 54 of the penal code).

Judges practically ignore the psychological analysis of the culpable and the degree of his dangerousness. That is why advanced countries such as England,

Germany Italy and the United States established offices for penal experts who help the judge in the study of each criminal's culpable dangerousness and present their reports to the judge enabling him to choose the suitable means of treatment to be pronounced towards the culpable for his emendation.

In Italy, the penal expert cannot intervene in the trial, because his intervention is required in the executive phase to trace the method of treatment that the jail officers must follow towards each prisoner according to his personal special case.

Examples of the executive individualization are offered by the separation of female convicted persons from male ones, the interdiction of executing the penalty of hard labor towards convicted women and those men who surpassed the age of sixty years. These persons undergo their punishment in the general jails, not in the jails of hard labor.

Penal experts suggest whether the conditional release could be ordered in favor of prisoners and those who are submitted to security measures such as insane delinquents. They control the post-care namely the assistance of the released prisoner in order to avoid his relapse into delinquency.

Furthermore, criminology permits the diagnosis of juvenile delinquents or deviated and suggests the methods of their treatment in order to realize their emendation before they become more dangerous.

What we explained till now concerns the practical usefulness of criminology after the commission of crimes post delictum namely in the field of penal treatment. But we add now its importance in the field of prevention namely before the commission of a crime ante defictum.

It is undeniable that criminology opens continuously the door of social

reform. As it discovers the sources of delinquency whether they are individual or social, it attracts the attention of the nation and its government to the necessity of collaboration in the combat of delinquency. All ministries, each in its domain, participate in this combat in order to suppress or at least to delimit the occurrence of criminality or deviation, by means of legislative and administrative measures. Thus, criminology is the pioneer of social reforms and legislation.

Moreover, due to its psychological analysis of individuals whether they are normal or abnormal, it makes each person comprehend himself and the others with whom he gets in contact and therefore he does not damage others or become damaged by them.

Chapter Nine

The Subdivision of Penal Expertise

Experience showed and aroused the necessity of expertise in penal matters analogously to its recognition, since the last century in civil affairs.

That is why the international society of criminology organized an international symposium in 1980 in Syracuse (Italy) about penal expertise. It was held in the international Institute of criminal sciences.

This symposium gave the right conclusion that penal expertise are divided into the following four branches:

- (1) Psychiatric expertise
- (2) Medico-legal expertise
- (3) Criminology expertise
- (4) Criminal expertise.

Psychiatric, medical-legal and criminal expertise are recognized expertise and they operate since ancient times, but criminology expertise is not universally extended.

- (1) Psychiatric expertise studies the mental capacities of a culpable to establish his sane or insane perception and volition. If he is insane namely mad, this means that he was irresistibly pushed to the commission of his crime and he must be acquitted but interned in a psychiatric hospital.
- (2) Medico-legal expertise studies both the culprit's and the victim's body and position in the moment of crime, how the assault happened, with what instrument, and the cause of death in cases of homicide.
- (3) Criminal expertise examine the crime scene, collects the traces of the criminal

such as his finger prints, the blood stains in the victim's and the suspected person's clothes, the smell of the criminal for example in a handkerchief left by him. The examination of the material traces is undertaken by the criminal laboratories and police dogs. A part of Criminal, is the examination and identification of handwriting and forged documents.

- (4) The criminology expertise as an ideal future system, consists of medical physical and psychological examination to be undertaken by a physician, a psychiatrist, a doctor of psychological and nervous diseases a forensic doctor, a specialist in Criminal, namely by all of them together in a team work. Criminology expertise hence, must be the summary of interaction between the opinions of a group composed by the above mentioned specialists, unless one specialist collects in himself all required specialty. It is difficult to find anywhere such a sapient specialist. That is why criminology expertise is not easy and it is not available unless in a few countries.

Part II

Penology

Chapter One

The Significance of Penology

1. Definition

The word “penology” is derived from the word “punishment or penalty”. It is an ancient denomination issued since the time of struggle for prisons reform.

As the imprisonment was accompanied by abuses in the treatment of the prisoner, reformers tried to eliminate these abuses and their efforts led to the following results:

- (1) The possibilities of the prisoner to claim justice in front the court.
- (2) The disciplinary sanction could not be applied unless after a disciplinary regular trial in which the prisoner’s defense is heard.
- (3) The suppression of any discrimination due to race, religion or social position.
- (4) The freedom of religious belief and performing its rites.
- (5) The interdiction of any cruelty or savage treatment
- (6) The abolition of flagellation
- (7) The suppression of the iron chain which was attached to the prisoner’s legs.
- (8) The teaching of a job that the prisoner exerts after his release or the improvement of the job exercise when the prisoner has yet a job.
- (9) The prohibition of medical experiments on prisoners without their consent.
- (10) The attenuation of freedom restrictions before release
- (11) The right of vote in the general elections.
- (12) The right of studying and passing instruction examinations
- (13) The right of maintaining contact with the exterior social ambient of relatives and friends by receiving their visits exchanging correspondence with them, and going out of the prison for a short stay.

All these reforms mean that the prisoner should not suffer any pain other than that of losing freedom.

The energetic movement of human rights contributed to the adoption of the above said reforms. Hence penology as a science meant in its origin the indication of the ideal methods of treatment in prisons, and it was the worry of international penal and penitentiary foundation. The first United Nations international congress for the prevention of crime and the treatment of offenders (Geneva 1955) established minimal rules to follow in the treatment of prisoners.

But now, as the struggle against criminality uses not only penalties but also security measures and pure social methods, the denomination of penology became anachronistic. We prefer to it the name: “science of struggle against delinquency”.

This science could be divided into prevention science and treatment science. The prevention science operates before the commission of the crime, while the treatment science takes place after the occurrence of the crime to amend the criminal and avoid his recidivism.

As the science of struggle against criminality suggests the ideal methods of prevention and treatment, therefore it traces the ideal criminal policy.

It could not be confused by the national criminal policy because the latter differs from a country to another while the science of prevention and treatment (struggle against criminality) substituted to penology, indicates a criminal policy which is ideal namely it should be followed by all countries whatever could be their respective criminal policies.

In conclusion we mean by penology nowadays a substitute which we call “science of struggle against criminality” that means the ideal methods of

prevention and treatment as regards criminality.

Then we shall face at first the prevention and after that the treatment whether its method is legislative, judicial or executive.

1. Crime Prevention

Prevention of delinquency concerns either the causal factor of it, namely the criminal predisposition which is hereditary as we said, or the animating factors of it whether they are internal or external.

1.1. Prevention of Causal Factor

As the causal factor is hereditary, its prevention means the avoidance of bad heredity. For this purpose, some scientists suggested the protection of posterity through the three following methods:

- 1) The medical examination of engaged persons before their marriage, in order to prevent their marriage when they have defects that could be transmitted to their posterity.
- 2) Sterilization by closing the fallopian tubes of the female and the ejaculation tube of the male.
- 3) Castration which means the removal of man's testicles or of woman's uterus.

Between 1907 and 1909 the United States promulgated laws which imposed the sterilization of criminals and insane persons, after that, Canada, Switzerland, Denmark, Sweden and Finland did the same and Germany also on

The German laws fixed imitatively the cases which require sterilization. They are the hereditary disease like mental debility, idiocy, schizophrenia, depressive mania, epilepsy, nervous diseases, serious addiction to alcohol, grave physical defects, blindness and deafness simultaneous to the birth.

According to these laws, sterilization is pronounced by technical courts of specialized physicians.

The international congress of penal law and penology held in Berlin on 1935 as well as the congress of criminal biology held in Hamburg on 1938 favored the above said laws and it was said that sterilization recovered sexual constitutional criminals.

We have to notice that castration is more harmful than sterilization. Sterilization does not affect neither the bodily appearance nor the psychological structure nor the sexual gland function or stimulant while castration affects the sexual function and changes the appearance of the body as well as the psychological condition.

Anyhow the above said three methods were not approved by Italians, because they violate the human bodily integrity.

The Italian scientist Anile declares with regard to castration and sterilization, that heredity is submitted to secret and not controllable laws, that sometimes even the apparently sane person has hidden defects that he does not perceive, that it is not indispensable that defective men transmit their defects to their heirs as the woman has a compensate role which hinders the transmission of the defect to the descendant. Therefore one should not be proud of his health, and should not exaggerate his pessimism when he sees apparent bodily and psychological defects in another.

Consequently that scientist affirms that nature regulates heredity without any need of castration and sterilization which violate human bodily integrity and that medical hygienic and treatment methods strengthen the descendant either before or after birth.

As regards medical examination before marriage it could not be imposed.

Therefore, Italy is of the opinion that the expansion of medical knowledge among citizens makes them understand that diseases and defects could be inherited and that every person who is willing to marry must cure himself physically and psychologically before marriage in order not to give birth to a defective son.

The medical knowledge is necessary not only before marriage but also after it and during the period of pregnancy to avoid what could affect the physical and psychological formation of the embryo.

1.1. Prevention of Animating Factors

It is a duty of the State to improve the general life conditions of the people by:

- (1) Raising its standard of life, eliminating misery, unemployment, small wage and encouraging charity associations by giving them subsidy if this is possible.
- (2) Setting up a social system that provides poor men with gratuitous medical treatment either for diagnosis or medicament.
- (3) Enlightenment of citizens as regards the harms of addiction to alcohol.
- (4) Fighting against the consumption of drugs by creating a popular consciousness of their damages, through the cinema and television, the instruction at school and in the university, the foundation of a museum that exposes the various kinds of narcotics indicating the damages of each kind for the individual and public health.
- (5) The construction of dwellings for the workers coming from villages to the town, the assignment of work to them and the organization of their entertainment during their leisure time.
- (6) The expansion of constructed popular dwellings to distribute among poor persons, the facilitation of their furnishing, and the impediments of

constructions without permission in order to avoid the neighborhood of criminals.

- (7) The dissipation of widespread beliefs that conduce to delinquency such as that of vengeance.
- (8) The control of jobs' polluted atmospheres.
- (9) The control of films and press.
- (10) The expansion of preaching, religious guidance, music, fine arts and sportive competitions.
- (11) The control of arms and harmful substances.
- (12) The foundation of prevention clubs in popular districts to engage young men in order to avoid their criminal agglomerations, to dissipate their adversity towards society and to get in contact with their families. Such prevention clubs have had a great success in France.
- (13) The efficient combat of vagrants, suspected persons and of those who possess instruments that could be used in the perpetration of crimes.
- (14) The progress of glandular medicine.

1. Prevention of Juvenile Delinquency And Youth Crimes

3.1. Some trends and factors

During the regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, countries in every region reported sharp increases in juvenile delinquency and youth crime. In most cases, the average age of the offenders is also dropping. These facts coupled with the estimation that by the year 2000 more than fifty percent of the world's population will be under the age of fifteen highlight the seriousness of the juvenile and youth crime problem.

Crimes committed by juveniles run the gamut from petty larceny to murder. The reasons for these offences vary. While it is possible to group the identified risk factors loosely into economic and non-economic ones, in reality, they often create a vicious circle of deprivation, alienation and delinquency.

In developing countries, economic factors are the most likely to incline youth toward crime. The offences arise primarily out of a need for the basic necessities of life. This survival crime has been termed “subsistence delinquency” by the regional meetings. Deteriorating economic conditions also place additional strains on family units, and contributes to broken homes, dysfunctional families and homeless children. However, even in the most affluent countries, economic factors play a role in the development of delinquency.

The stratification of the poor in urban areas creates dense pockets of under-skilled individuals and precipitates unrest; when such stratification is coupled with constant bombardment of images of wealth and power, via the media and personal encounters, the possibility of violence is dramatically increased. Rising unemployment, with a deteriorating labor market for young workers, a failing educational system and a dearth of other opportunities, reinforce the belief that these goals are unattainable by legitimate means. Many children who may initially believe in the possibility of success through acceptable channels lose that hope in the face of continued adversity and bleak prospects. Expectations of failure can begin to develop in very young children, and if consistently reinforced, may force a child to abandon longer-term goals to pursue more immediate gratification, possibly through delinquency.

Unfortunately, a developed national economy does not necessarily reduce the risks to the young, nor the rate or severity of juvenile delinquency. In fact, there are many more serious youthful offenders in some of the most economically developed countries, though they generally come from disadvantaged areas. One recent report shows a nineteen percent rise in violent offences by juveniles in the United States in the past ten years, and attributes more than one quarter of the increase in murders, forcible rapes and robberies to juveniles. These findings are consistent with those presented for some European countries. Even if the perceived increase in violent juvenile offending is routinely greater than the actual increase, the situation is still cause for alarm. While most juvenile delinquency still consists of petty crime, the range of delinquent acts is increasing. The violent

nature of much delinquency and youth crime poses a greater threat to society than lesser property crimes, bringing with it a heightened level of public fear which negatively affects the quality of life.

Studies have shown that violence and delinquency are related to relative deprivation, and indeed, countries with greater income disparities seem to be experiencing a higher level of violence. This is also the situation in the former Soviet Union. The distance between the “haves” and the “have-nots” has increased dramatically, and the juvenile crime rate has risen commensurately. From a relatively low delinquency rate, there has been an eighty percent increase in juvenile crime over the last decade, and juveniles now account for twenty percent of all violent crimes.

1. Children Particularly at Risk

(1) Working children

Many young children in developing countries are forced to work to support themselves and their families. Historically, children have worked in most cultures, which often helped their socialization. However, today's child labor is less structured and more time consuming and exploitative. A large percentage of the children start full-time jobs at eight years of age or even younger, unprepared for separation from their families. Some enterprises rely wholly on child labor; for example, carpet-weaving factories in Asia use full-time child labor, recruiting under the guise of offering youngsters a “better life”. These jobs require constant, hard work, and the material, educational and socialization benefits are usually minimal. A substantial portion of these children eventually enters into illegal activities as a means of survival.

The Special Rapporteur on the Sale of Children, Child Prostitution and Pornography has pointed out that many exploitive practices are driven by sex tourism demand, and criminal networks which orchestrate the supply. The Commission on Crime Prevention and Criminal Justice, at its third session,

decided that the Ninth Congress, under items 2 and 4 of the provisional agenda should give the international traffic in minors. The curtailment of social services in response to economic constraints imposed by stringent adjustment programs has also endangered child welfare. There is often multiple victimization, since the children used for coercive labor or sexual exploitation are generally lured from the lowest social strata (for example, untouchables in South Asia and other marginalized populations).

The prevalence of ruthless child labor practices has also prompted the recent appointment of a Special Rapporteur on the Exploitation of Child Labor and Child Bondage, practices which are considered to be a modern form of slavery. In 1931 the Commission on Human Rights adopted the Program of Action on the Elimination of the Exploitation of Child Labor, which advocates a number of measures, particularly at the national and local levels. These include information campaigns to raise awareness of the problem, educational and vocational training to prevent the exploitation of child labor, social action to help families and their children, development aid, the stipulation and application of labor standards, the adoption by States of appropriate policies and programs as well as support from international agencies.

The Asia Regional Seminar on Children in Bondage (Islamabad, November 1992) adopted a Program of Action Against Child Bondage, which, inter alia, targeted children pledged in partial payment of debts, those lured away from their families and those kidnapped or confined. Young children with an illegal status are often forced into hazardous work with high accident risk in sweatshops and brothels, and are compelled to work in exploitative conditions. The seminar urged a series of measures, including legislative reviews, with the simplification of sanctions, victim compensation, enforcement machinery, enabling provisions for special courts, adverse publicity for violators, education and rehabilitation for the children, as well as effective prohibition and prevention, advocacy and social mobilization campaigns.

(2) The Problem of Street children

Children without families, or whose family links are tenuous, are particularly at risk, especially when they spend most of the time in the streets. Aside from the daily fight for material survival, they are subject to abuse, exploitation and other depredations, including disappearances, trafficking and outright killings. The numbers of street children are staggering, estimated at 100 to 150 million in the world, and seem to be increasing. The situation is particularly acute in Latin America and parts of Asia, but the numbers in Africa are also growing as a result of civil strife, rapid urbanization, and economic recession and the dwindling social supports. The problem is now being felt in countries in transition as well.

Street children are often compelled to engage in marginal activities and delinquent acts to meet their basic needs. Most survive by making their way in the informal sector as street vendors, petty hawkers, shoeshine boys, scavengers of raw materials or even thieves and street prostitutes. Their drug involvement ranges from glue sniffing to being cooped into the drug trade. Since they generally lack access to the necessary health or social services and education¹ they are in serious emotional and physical danger. HIV/AIDS is spreading, especially among those drawn into prostitution, exacerbating their ill-treatment.

In some places, older youth have begun to form gangs as a means of self-protection in a hostile environment. The coercion of children into organized criminal activities is particularly insidious, as it exploits the precarious material and emotional state of conscripts, who may crave human relationships and a sense of loyalty or belonging.

Street children and working children are in special need of protection from danger, access to services and opportunities for personal development and a productive life. This includes support for families, to communities and to children themselves, through outreach activities, UNICEF-assisted programs and joint initiatives. In Sao Paulo, Brazil, for instance, communities have been assisted

by the Pastorate for Children to mobilize protective services for their children. The UNICEF Urban Basic Services Program is now seeking to include the reinforcement of family and community solidarity and protection.

Attempts to help street children have often focused on their immediate needs, including the provision of institutional facilities, which can usually accommodate only a small number and may not adequately prepare them for future life in society. They cannot tackle larger problems of inequity and deprivation, though they can serve as focal points for efforts to reclaim the children and integrate them into the mainstream. Probation centers have been suggested as a means of providing street children with proper support and training. The authorities could undertake the civic education of leaders, residents, street children and delinquents. The children themselves, who in some countries have organized themselves into associations, including an advocacy role, are helping these efforts. Preventive strategies are also being pursued, with the help of non-governmental organizations, as reflected in the Intergracion Infantil project in Santiago, Dominican Republic, for “potential street children. The African Foundation has also sought to mitigate the problem by providing counseling and education⁴⁰. International guidelines and special training for community workers and all those involved should help to mount more effective preventive and remedial action for street children and others in very difficult circumstances such as those caught in armed conflict.

(3) Children in Armed Conflicts

Although they are to be considered as a “zone of peace”, protected by the Geneva Conventions, children have been prime victims of armed conflicts and, as such, designated by UNICEF as “children in very difficult circumstances”. According to UNICEF, in the past decade, 1.5 million children have been killed in armed conflicts, and a further four million have been disabled, maimed, blinded and brain-damaged. At least five million have become refugees and ten million more have been uprooted from their communities. The rape of girls has

been used as a weapon of war, and millions have been killed through female infanticide. Orphans and street children have been special targets of perpetrators, sometimes in collusion with par police services. In many parts of the world, children have been tortured or forced to watch or participate in atrocities, given drugs and weapons and have been desensitized to others' pain. Uncounted youngsters are said to suffer from post-traumatic stress disorders. Children have been conscripted into the front lines in times of war and crippled by land mines in local hostilities; they have often served as pawns, especially when their families have perished or when they have become lost, or have witnessed the abduction of their parents, leaving permanent scars.

One of the main problems, even in the advent of peace, is not only how to relieve the effects of their suffering but also how to reorient them to peaceful pursuits. In some countries where they have served in liberation movements (for example, in Uganda), this is being attempted in special schools. Elsewhere, the transition to peacetime has been accompanied by a crime wave, with the weapons now used as tools of crime and for the pillaging of those displaced by war. Trigger-happy, poorly trained police often contribute to the problem, setting a dangerous example. How the young can be helped to make the necessary transition to the "culture of peace" under these circumstances is a problem facing the affected countries and the international community.

(4) Urban "War Zones"

It has been found that children learn basic ways of dealing with stress and conflict very early in their lives; indeed, the best predictor of future violent behavior is a history of violence. Without prompt and proper intervention, early manifestations of aggression will commonly escalate into subsequent violence and broaden into antisocial behavior. Social and cultural influences (along with family) shape the course, which is, however, not inevitable. Efforts are under way to identify the protective factors that prevent children from following a negative trajectory, in spite of possible risks.

While no single experience is decisive, the adverse settings, climate of violence and pervasive insecurity surrounding youngsters in their daily lives in inner city ghettos and other marginalized areas place them at grave risk. Especially where squalor, drugs and weapon use are common, and where crime is a constant fact of life, the inhabitants are exposed to chronic danger and stress. Rather than being safe havens, the home and school are often part of the battleground, and negative peer pressures, especially gang intimidation, pose a very real threat. Such areas have not improperly been called urban war zones.

(5) The Instrumental Use of Children

The mounting concern about the dangers posed by the instrumental use of children was reflected in General Assembly resolution 45/115, adopted in accordance with the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It also motivated the convening of an expert group meeting on the problem, hosted by the Government of Italy (Rome, 8-10 May 1992).

As pointed out by the experts and the regional preparatory meetings, there are a number of factors conducive to the instrumental use of children, which must be addressed if it is to be curtailed. Among them are the lack of specific legislation for the penalization of adults who exploit children and, where legislation exists, a lack of proper enforcement. There is agreement that the recruitment, organizing or entrapment and use of children for criminal purposes by adults should be made a specific criminal offence.

Since criminal justice systems have rarely dealt with the child element in serious offences, existing child exploitation legislation should be reviewed and appropriate reforms promoted, taking into account the United Nations instruments for juvenile justice and delinquency prevention, and with full regard for human rights standards. Since children are often helpless to resist exploitation, legal aid and assistance need to be made more accessible to them. Alliances can

be usefully established with children's and youth organizations, to disseminate information and monitor abuses. Safe houses, emergency placements, telephone hotlines and more sympathetic law enforcement agents could help juveniles to avoid such perils. Mobile units, staffed by professionals, can visit high-risk areas, and the collaboration of child protective agencies and targeted citizen groups in planning, implementing and evaluating projects should be encouraged.

In order to curb such predatory activities, however, comprehensive action must be taken at the national and international levels, to strengthen their prevention and control. Technical cooperation, advisory services, the training of personnel and pilot projects can help countries stem the wide-ranging abuse, and should be more extensively provided. The envisaged publication of the United Nations manual on juvenile justice instruments should provide a key training aid. Computerized data banks, the exchange of information on offending syndicates and mutual cooperation in such matters of this kind should be pursued

1. Mitigating Predisposing Risk Factors

Strategies to safeguard children at risk are needed all along the continuum of development. It has been pointed out that piecemeal attempts to deal with delinquency problems have been doomed because they have not paid adequate attention to the urban environment that spawn them. The vast numbers of children and youth at serious risk necessitate broad-based strategies, targeting the family and vulnerable communities or groups. Various measures to strengthen the family have been suggested in the context of the International Year of the Family. They need to be implemented. Communities suffering from violence and anomie are a breeding ground for delinquency. They must be salvaged and revitalized, providing hope as well as concrete opportunities for youth, so that they do not adopt criminal lifestyles.

5.1. Strengthening Families

This includes measures to discourage teen pregnancies and to improve

access to critical support services, such as childcare, home visitor programs and multipurpose resource centers that facilitate service delivery and self-help efforts. Good parenting is not easily taught, but essential parenting skills can be imparted in primary health facilities, maternity clinics or community settings. The focus should primarily be on dysfunctional or single-parent families, where role models may be missing, discipline erratic, absent or excessive, and mistreatment likely. Early intervention can help to break the cycle of abuse that continues across generations, and the related likelihood of delinquency. The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) indicate the directions to be pursued; they need to be more widely known, and practical action models provided.

5.2. Strengthening Communities

Economic growth may not reach those most in need, whose children are at greatest risk. Special measures are needed, such as skills training, entrepreneurial or other assistance and the creation of economic development zones. Ways in which communities can be mobilized for more effective crime prevention have been noted before. Young people can be closely involved in efforts to reclaim anemic and dangerous neighborhoods. In some places, youth leaders and “social facilitators” are being trained with this aim in mind, as part of multi-faceted local revitalization schemes. Social solidarity is demonstrated in various ways, including group supervision of youth in situations of risk.

Structured cultural and recreational activities can help to bind young people and offer outlets for their energies. Worthwhile community projects can be pursued with the participation of youths, both as helpers and those to be helped.

5.3. The School And Transition to Work

Schools have a crucial and perhaps impossible mission; not only to impart knowledge and to develop know-how, but also to offset and even compensate for

societies and parental failings, by providing a propitious environment for human growth. However, rather than doing so, schools in many places have themselves become scenes of violence and delinquency. Instead of being safe havens and places of enlightenment for the young, their attendance may be fraught with real danger that even intensified security, with in-house police protection, cannot control. At the same time, the educational role of the school is being questioned, because, inter alia, of rigid, abstract curricula, unsuited to modern requirements, the failure to gear education to development and market needs and poor teacher training. Inadequate attention to learning difficulties, lack of relevance to the often harsh realities and barriers facing children who must gain a livelihood have undermined school attendance and contributed to the high drop-out rate, increasing the likelihood of delinquent short-cuts to the acquisition of daily necessities or prized consumer goods.

Yet, education of different kinds, formal, non-formal and informal, has almost infinite potential in helping to prevent delinquency and crime. The early years are crucial for psycho-social development and the formation of a moral conscience, especially where suitable role models are lacking at home and where discipline is erratic. At a time of pervasive social changes, lack of stable norms and conflict of values (for example, in second generation immigrants), the school must also impart a moral and civic education. In recognition of this need, moral education is now part of school programs in some countries (for example, in Chile and the Netherlands), and efforts are underway in others to evaluate the effectiveness of such methods, including legal education. At a time of waning religion or its radicalization, the school must nurture the qualities of tolerance, empathy, fairness and respect for others. It can also help to detect emotional problems and learning difficulties, to develop the capacity for self-control and to teach non-violent conflict resolution as an alternative to aggression. The Scandinavian countries have introduced anti-bullying programs - the Wallenberg Foundation supports a non-violent heroes module - and there are initiatives in various countries which train teachers to prevent misbehavior through "social

contracts”, or to manage it when it does occur and to better deal with chronically disruptive students. Practical demonstrations show how to resolve conflict situations non-violently, and develop interpersonal and self-management skills.

Some forms of early intervention seek to maximize individual potential, to compensate for initial disadvantage and to provide developmental support. The Head Start program in the United States and a UNESCO-sponsored Scandinavian program for youngsters from disadvantaged zones in Santiago, Chile have yielded positive results, including reduced delinquency. Programs to reduce truancy, viewed as “pre-delinquent behavior”, such as the PINS adjustment program and the multi-agency Project Hope in California (involving the school district, county probation department, county social service agency and police department), have reached the twin goals of keeping students in school and reducing daytime crime. Some, like project DARE (Drug Abuse Resistance Education), have successfully used peer pressure and a variety of techniques.

In many places, schools are increasingly becoming multipurpose organizations, providing diagnostic and health services, counseling, sports and recreational facilities (also in extended time frames, for example, midnight basketball), basic skills training and vocational guidance. School-based community centers with comprehensive programming for youth and their families are also envisaged as “safe havens”, open all day throughout the year and offering a range of educational, cultural and recreational activities, as well as access to social services. These centers should be concentrated in communities identified as having the greatest number of youths at risk.

One of the key problems for many youths is bridging the gap between school and work. The lack of coordinated planning of educational and employment opportunities has increased the numbers of young unemployed, whose aspirations have been raised without legitimate ways of fulfilling them.

In some developing countries, there is even a surplus of university graduates unable to find suitable jobs in the deteriorating economic climate. A more organic approach to education and integrated human resources development might reduce the structural imbalances that frustrate youthful expectations and lead to illicit shortcuts. Vocational training and apprenticeship programs for those who will not pursue academic careers have been found most useful in imparting the necessary skills and work habits to succeed in a competitive job market. Businesses and trades have been encouraged to invest in apprenticeship programs, through tax incentives and other means. Programs facilitating employment and the empowerment of high-risk youths have also been found successful in preventing delinquency and recidivism.

5.4. The role of the media

There has been a long-standing debate on the relationship of violence in the media, especially television, to heightened aggressive behavior in children and youth. Evidence has been mustered on both sides to stress or contest the links between them. Recent research, including a comprehensive study of 200 students, offers convincing evidence that the observation of violence in everyday television entertainment does affect the aggressive behavior of viewers. According to the study, all types of aggressive behavior, including criminal violence and other illegal acts had significant associations with exposure to television violence, giving serious cause for concern. However, questions persist about the causal relationship, the permanence of any possible side effects, the importance of whether television violence is punished or rewarded and whether high levels of neighborhood violence reduce the effects of television violence.

Governments should also provide resources for the establishment of apprenticeship programs.

The policy debate on the need for media regulation thus continues. Western European countries¹ for example, have government agencies that monitor

television and films and do not permit the showing of excess violence. Where there is no such regulation, for example, in the United States, major television networks agreed in December 1992 on a common set of standards regarding the violent content of their programs. Since working parents and single-parent families cannot exert sufficient control over children's viewing habits, social controls over programming have been urged. However, the voluntary standards adopted, which do not apply to films, have apparently been unsuccessful in reducing television violence.

A broader effort to enlist the cooperation of all the media, including journalists and programmers, is clearly needed to reduce sensationalism, which affects not only children but the public as a whole, raising levels of fear and inuring people to human suffering. The media, through responsible reporting and special educational campaigns, have a crucial role to play in socialization, delinquency prevention and empathy with victims from the early years on.

6. Reclaiming Delinquents

There is wide support in the juvenile justice field and apparently among the public for the stipulation in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) that detention should be used only as a last resort and for the shortest period of time, and that alternatives should always be considered. These can be close supervision, intensive care, foster home placement, at-home detention and placement in an educational setting. If detention in a secure correctional-type facility becomes unavoidable, basic standards should be met and juveniles held separate from adults and from adjudicated juvenile offenders. The use of objective risk assessment criteria to inform detention decisions has in some jurisdictions drastically reduced the daily number of juvenile detainees, without increased recidivism or failure to appear at trial. The use of detention as "shock incarceration" or short-term commitment is a violation of their rights, and has proved ineffective. For adjudicated offenders, the principle of minimizing incarceration is also applicable.

6.1. First-time Offenders

This is certainly the case for first-time offenders and even some repeat cases unlikely to pose major danger. In Africa and other developing regions, indigenous approaches, such as restitution and community service, could be more widely used instead of incarceration. Probation, supervised by local authority figures, is another option. The seminars on the prevention, control and correction of juvenile delinquency in the region have sought to advance this aim. The expense and negative impact of confinement underline the position that its use should be an exception rather than the rule. In many countries, such a reorientation will be part of broader juvenile justice reforms, whose promotion is a key task of the United Nations regional institutes, which seek to promote alternatives to imprisonment for offenders, including young adults, and especially for juveniles. Thus, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) has been carrying out a project on the improvement of the juvenile justice systems in Central America that combines policy-oriented research, assistance with actual reforms and training, consonant with the United Nations guidelines and the United Nations Convention of the Rights of the Child.

In many countries, the juvenile justice paradigm has shifted from “rehabilitation” to accountability” and sanctioning, but this need not reduce the use of diversion (at various stages of the juvenile court processing) and the reliance on non-institutional options, including work programs, probation, community service or other forms of “creative restitution” or participation in a counseling or substance abuse treatment program, to name only a few possibilities. Evaluations of such measures have been mixed and require further research; however, preliminary findings indicate that the younger the offender, the more likely that diversion will have a positive effect, and the more frequent the number of contacts between youth and the service provider, the greater the positive effect on outcome measures

The negative consequences of this approach include its possible net-widening effect, which presumably increases the total number of young people subject to the juvenile court's services or control. This is very much the case for status offenders, who may require protective measures and crisis or family intervention.

But others argue that the promise of diversion has in fact not been fulfilled because of poorly developed program rationale, failure to select the appropriate youth, professional resistance and organizational dynamics. To overcome these shortcomings, better targeting of youth for diversion programs has been suggested, the agreement among the various professionals concerned (police, prosecutors, judges and program staff) and referrals to appropriate community agencies. Greater attention must also be paid to due process and the human rights of juveniles.

For diversion and alternatives to work properly, a whole array of community interventions should be available and individual youths matched with the most appropriate services. Programs should be run without stigmatizing participants, and should be suited to their particular needs. Further research will be important in order to determine what alternatives work best for which types of youth, who responds best to certain interventions, how interventions can be structured for ready replication, if they prove promising, the agency context, organizational requisites, professional qualifications and program rationale.

6.2. Serious and Persistent Offenders

Research has found that "chronic offenders" are responsible for the majority of violent offences. The alarm caused by the brutality of some youthful crime has led to some juvenile offenders being treated as adults, which can confirm their "criminal" identities and impede rehabilitation. Related studies have identified developmental pathways to chronic delinquency: an overt pathway (from aggression to fighting to violence), a covert pathway (from minor covert

behavior to property damage to serious delinquency) and an authority conflict pathway (from stubborn behavior to defiance to authority avoidance). Problem behaviors, such as delinquency and drug use, often occur together, even before a child reaches the teens, and the earlier they are manifested, the more likely is the progression to more serious and extensive delinquent and drug-using careers

Special efforts are being made to ensure more effective apprehension, prosecution and treatment of such serious or chronic offenders, including “vertical prosecution” (a single prosecutor follows the case), limited charge -and sentence-bargaining, assistance to victims and witnesses and special correctional services for convicted youth. A series of recommendations has also been developed regarding serious juvenile offenders, issues facing the juvenile court system and the possible establishment of unified family courts. In the past decade, some jurisdictions have redefined the purposes of juvenile courts, de-emphasizing the role of rehabilitation and the child’s “best interest”, and emphasizing public safety, punishment, deterrence and system accountability.

Research and experience to date suggest that a structured system of graduated sanctions may offer the most promising approach. Rehabilitation, the traditional offender-based sanctioning system, based on the same *parens patriae* notion and medical model, has been criticized for the variable treatment of the same offence for differing periods of time, and thus led to the “just-desserts” approach based on the offence, degree of culpability and harm done. Incapacitation, deterrence, and to some extent, accountability have been the driving sanction philosophy in countries where rehabilitation has fallen into disrepute, and where there is increased concern about escalating serious juvenile crime.

Contrary to the prevailing stance toward this approach, however, the rehabilitation of juvenile offenders urged by the United Nations Rules can

be effective, even for serious young offenders. A leading expert in this field concludes that the emphasis in the Beijing Rules, the Rules for the Protection of juveniles Deprived of their Liberty and the Riyadh Guidelines on minimizing institutionalization, avoiding punishment and adopting rehabilitation as the preeminent purpose of juvenile sanctions are well founded in current theory, practice and research. The proper classification of juveniles is required, both in terms of matching the needs of the juvenile to the services required to meet them and of risk in order to decide whether a juvenile should be in a residential or non-residential program, and whether there is a requirement for custody or for intensive supervision in the community.

Where confinement proves inevitable, the trend is away from mammoth training schools and toward smaller community-based units, as recommended by the Riyadh Guidelines. For example, the state of Massachusetts in the United States has long replaced its training schools with a network of decentralized community services and a few small secure-care units for violent juvenile offenders, saving eleven million dollars a year without any increase in the juvenile delinquency rate.

There are also intermediate measures¹ such as half-way houses, day detention and others, that can be applied in a combination of residential and non-residential settings, including therapeutic communities (for example, utilizing Positive Peer Culture, where values and interactions reinforce thinking and behavior consistent with a core culture, and Guided Group Interaction, where an adult facilitator leads group discussions which ultimately evolve into youth leadership). Programs deemed most effective have usually combined two or more methods of treatment and rehabilitation. Among these are psychodynamic and behavioral approach methods and life-skill interventions. Meta analyses of their outcomes have concluded that those with increased staff contacts were the most successful, and that behavioral approach methods were more likely to reduce recidivism

6.3. Youth Gangs

As considered here, the term refers to a group of youths and young adults (mostly aged between fourteen and twenty-four years) that operates primarily in the streets and engages in a sufficient amount of antisocial activity to warrant attention by the criminal justice system. Such gangs are usually active in lower-class communities of inner cities or other marginalized areas. While juvenile gangs are not a novel phenomenon, they manifest certain new features. Often linked by common ethnic or other background, the age limits to membership seem to be expanding, with the youngest usually doing the bidding of the gang leaders. They may engage in various illegal activities, including car theft and robbery. They have become more violent in recent years¹ particularly through the illegal use of sophisticated lethal weapons and involvement in drug trafficking.

It is also believed that gang membership has grown because it fulfills a need for belonging and identity, which may not be met in other ways. While gang members are still primarily adolescents and young adult males, female members often come from even more problematic homes with a gang tradition, and may be even more difficult to redirect. Gangs have evolved from street-corner neighborhood groups to contemporary gangs that often define as “turf” their girl friends, local skating rinks and certain shopping malls. Schools, which used to be “neutral zones”, have in some countries become the scene of warfare and recruitment (often through coercion and intimidation). In some places, gangs have migrated to set up “franchises” to distribute drugs, especially in smaller cities where law enforcement may be less stringent. The line dividing gangs and organized crime activities has seemingly blurred in the past few years

The relationship between organized criminal groups and gangs may well depend on techniques and utilization of violence as a resource; top figures have sought to distance themselves from violent acts and may increasingly use business and monopoly tactics, distributing franchises (held by gangs) and delegating some “enforcement” tasks to them. This nefarious chain, in which

seasoned criminals enlist younger “associates” who in turn recruit still younger ones for proscribed and hazardous acts, must be broken. Among the preventive approaches to gangs that should be more widely explored is their conversion from negative to positive groups, cooped into activities designed to develop pro-social goals. The quest for belonging and importance that often motivates gang membership could be furled in that manner, and the social approval gained could serve as added reinforcement. The encouragement of groups such as the “Guardian Angels” and-of youth in community improvement teams would serve this purpose. Even broader initiatives, such as a youth job corps, the possibility of police training for a law enforcement career (and service as a gang expert) and other meaningful initiatives could redirect the energies of youth to more desirable pursuits.

In order to mount more effective counter-strategies against gangs, both greater specificity and comprehensiveness of approach have been called for. The hegemony of gangs and their (literally) cut-throat tactics are making their prosecution more difficult. Victim intimidation torpedoes many criminal trials, especially when they occur in neighborhoods where many people are involved in gang activity, witness killings or drug sales and know the participants; even if in jail, gang members can count on those outside to do the gangs bidding and coerce potential witnesses.

It has also been suggested that, rather than engaging in causal analysis of why young people join gangs, the focus should be on what gangs actually do and on their differential impact, so that preventive and control measures can be better targeted. For that purpose, a threat analysis of contemporary urban gang crime has been developed as a systematic empirical way of assessing both the seriousness of threats posed and vulnerability. A Strategic Law Enforcement Plan to Deal with Gangs on that basis has been proposed, as has an International Survey on Gangs and Threat Groups, addressed to law enforcement and correctional authorities in various countries, and including both quantitative and

qualitative information

7. Policy implications

A comprehensive system response to juvenile criminality requires an array of approaches and dispositions that take due account of both community and individual needs, protect basic rights, provide appropriate referrals, collaborate closely with various service providers, rely on informed and committed personnel and try to evaluate the effectiveness of the interventions with different target groups. Scarce resources can then be better used, resulting in both financial and human savings.

The double role of many young people as both victims and offenders makes their situation particularly poignant. Some hardened young offenders may have been subjected to grievous abuse and/or neglect, which deadened their feelings as a survival tactic. Yet, they are rarely pitied. They must be salvaged before it is too late, and those at grave risk reclaimed. So must be the masses of children inhabiting city streets who are in serious danger. Imaginative and wide-ranging action must be taken to counter this problem and that of child victims, who may be delinquent without fault of their own.

Juvenile justice is under scrutiny and the juvenile court under fire, but by expert admission, the United Nations instruments for juveniles are still relevant. How their application can be enhanced is a pivotal question.

8. The Police Role

The most important function of the police is the impediment of crimes before their commission. This task is much more essential than that of apprehending criminals after the perpetration of their crimes.

That is why the first duty of the police is that of discovering each dangerous state to eliminate it before its transformation into a crime.

Therefore, the police must operate a peaceful settlement of any dispute. It must organize traps to stop any criminal attempt before it leads to a crime and proceed to patrols to insure public security.

A special feminine police for juveniles should be established as we said to pursue juvenile vagrants and fugitives from school. The Polish experience showed the success of this police.

The third task of the police in the field of prevention, is to pursue vagrants, beggars, drunks, addicts to drugs, those who exert commerce in the black market, the prostitutes and those who exploit them, usurers, those who are submitted to the police supervision and the constitutional delinquents whose new crimes should be avoided, and to control entertainment places in order to put into effect the restrictions established in favor of juveniles.

The fourth preventive task of the police is the discovery and dissipation of dangerous agglomerations which could threaten the public peace, whether they move masses or criminal gangs. In order to put end to these agglomerations, the police needs four kinds of knowledge:

- 1) The recognition of the circumstances that give rise to such agglomerations.
- 2) The recognition of practical methods of investigation which are suitable to the purpose of discovering lie and reticence as regards the membership in the agglomeration.
- 3) The recognition of the fermented idea in the minds of agglomeration members.
- 4) The discovery of the agglomeration head because his removal scatters and dissipates all the agglomeration members.

9 . The Role of Work Principals

The work center for those who prefer learning a manual work like the mechanical reparation of automobiles, represents for the apprentice what the

school does for a student. Therefore the principal of the work' should be honest in teaching the job to the apprentice, should transfer him to the gratuitous medical center when he is sick, or to the medical consultative pedagogical center if he is as juvenile affected by an anomaly or an irregular nervous state. He should not maltreat the apprentice.

10. The Role of The Army

The military service period is a good occasion for the treatment and correction of recruited juveniles.

As a matter of fact, the severe military life explores latent psychological defects while the habitual normal life does not permit their appearance, like for example neurasthenic, epileptic introverted, unnatural exaggerated self-esteem or imagined persecution tendency. These tendencies lead to acts of rebellion against military discipline and to different forms of delinquency; such as violent actions to be explained by the epileptic tendency. The last tendency induces to grave horrible crimes of violence called by the Italians "Misdeic acts" since Prof. Lombroso discovered in the Italian army the soldier Misdea who was a habitual killer.

The military life permits the discovery of constitutional delinquents inclined to commit violent crimes as well as thefts during their military service. The army should treat the latter in medical pedagogical establishments annexed to it or in its military prisons. This means that the army should be furnished with physicians who practice, especially the medicine of nervous and psychological diseases.

11. Prevention of Negligent Delinquency

The international congress of social defense held in Milan in 1956 noticed that while intentional delinquency tends to decrease or to maintain its numerousness, negligence delinquency, on the contrary increases continuously for the expanded use of machines and the extended labor and traffic accidents.

Therefore, the congress suggested the following methods:

- 1) The promulgation of accurate norms of traffic that should be taught to citizens since their childhood in primary schools. Juveniles should be trained in the application of such rules. In Holland children are charged with the guidance of traffic in certain days of the year Egypt does the same during summer vacation.
- 2) The organization of the traffic according to those rules after having diffused them among the citizens through all methods of propaganda and publicity, and the assignment of a sufficient staff of policemen to their application.
- 3) The exertion of any dangerous activity should be submitted to the delivery of a license that could not be conceded unless after an accurate medical and psychological examination which proves that the applicant is skillful and deserves to assume that activity, whether it is the driving of vehicles or another risky activity. Some persons, although their long training, reveal a lack of ability and should not assume the activity in question. That is why it is not sufficient to make a test of their driving and they must undergo an integral medical and psychological test.
- 4) A renovation of the license must take place now and then, must be preceded every time by a complete medical and psychological test, as the personal ability is exposed to debility with the advance of age.
- 5) In the case of a dangerous behavior, even if it didn't cause any accident, such as the attempt of surpassing a vehicle without paying attention to what exists in the surrounding spot, the rushing in a curve without sufficient prudence, or the driving with excessive speed in a crowded street, the traffic policeman should write a marking in the driver's license, and in the case of recidivism, the license could be retired.
- 6) As the drinking of alcohol or the consumption of a narcotic even of a little quantity causes an euphoria that increases the indifference of the drinker or the drug consumer and his love of adventure, many traffic laws as in Egypt and France submit both the doer and the victim in all accidents due to dangerous activity, to a

medical biological and chemical test in order to verify if there is alcohol or narcotic in their intestines or blood and to aggravate the penalty of the doer whose drinking alcohol or drug consumption in the time of the accident, is ascertained.

Chapter Two

Some Aspects of The Criminal Policy

1.Procedural Legality Guarantees in all Stages of Criminal Proceedings

Egyptian jurists have adequately provided guarantees for the rights of the person under criminal proceedings in all the stages, specifically, his rights during the pre- trial, trial, and subsequent rights.

1.1. Guarantees During the Inquisition

The period of fact collection, or the inquisition administered by a judicial officer, is of paramount importance to the case, since it initiates criminal proceedings. In actual practice, the manner in which the incident is reported in the process verbal of facts and its legal interpretation affects the course of proceedings during the examination and the court trial. The rights of the suspect therefore must be guaranteed during this stage.

The judicial officer administering inquisition, does not conduct investigation. He collects the facts to describe the conditions under which the offense took place. The inquisition report is then presented to the examining authorities. The facts collected do become evidence except after they have been duly verified by the final investigation undertaken by the court and thereafter become grounds for the court to issue its judgment. The law has placed no limitations on the freedom of judicial officers in detecting offenses and collecting information. However, they are limited by the respect due to the rights of the person, the privacy of his residence, general discipline and good manners.

The judges of the Court of Cassation have established the practice whereby the judicial officer inquires the suspect if he has committed the offense under inquisition. The judicial officer does not examine the suspect, but registers

his reply. The process verbal of facts is one of the elements of the case, which the public prosecution may use as it deems fit. The process verbal of facts may be used by the court as one of the supporting documents. Once the contents of the process verbal have been ascertained by the court, as true and reflecting reality, the court may use the same in the case.

A suspect apprehended and detained awaiting trial, may remain silent. His silence may not be construed as implying factual evidence of guilt. It is established that the suspect has the right to speak in defense of himself in the manner he chooses.

1.2. Guarantees During Examination

Examination refers to the set of procedures undertaken by the competent authority in accordance with substantive and procedural rules prescribed by law. Examination aims at the collection and inspection of all the elements of evidence in the light of which it is decided to pursue court proceedings or to discontinue the criminal claim. Examination has a twofold purpose: to prove the responsibility of the suspect for the offense and to take into consideration the guarantees of personal freedom as set out by the law.

Egyptian law has prescribed a number of substantive guarantees for the examination of suspects. The examination guarantees provide inter alia for confidentiality, a written process verbal of facts and the presence of the litigants. The litigants are entitled to accompany at all times their lawyers at the examination. The law has established that unjustified refusal to permit the litigant or his lawyer to read the examination report, would render the examination null and void, since one of the guarantees related to the general system has not been fulfilled.

Search of persons and residences is also subject to rigorous controls enshrined in the Constitution and emphasized in the procedures. Article 4 of the

Constitution declares that personal freedom is a natural right which should not be violated. With the exception of being caught in the very act, no person may be arrested, searched, detained or in any manner deprived of his freedom or his right to move freely except by an arrest writ duly issued for the purposes of the examination and the maintenance of public order. The writ is issued by the competent judge or the public prosecution in accordance with the provisions of law. The law fixes the period of detention pending investigation.

Article 44 of the Constitution adds to the foregoing, stating that a judicial writ is needed for entering or searching residences. Pursuant to this provision, the Supreme Constitutional Court ruled that article 47 of the criminal procedures is unconstitutional. The grounds for this ruling is that it empowers the judiciary officer, if the suspect is caught in the very act in crimes and misdemeanors, to search the residence and confiscate papers or other objects which serve in uncovering the truth if he has good grounds to believe so.

The Supreme Constitutional Court, however, ruled that in all cases, search writs are necessary, as a measure to avoid unnecessary measures which undermine the privacy of residences.

1.3. Guarantees During Interrogation

Article 42 of the Constitution states that any person who is arrested, detained or deprived of his freedom shall be treated with due respect to his human dignity. Such person may not be exposed to any physical or moral injury, nor detained in any place except that specifically determined by law for such purposes. Any information given by a suspect under any of the foregoing conditions of compulsion shall be considered null and void and not dependable. Examination procedures therefore must be applied in accordance with the major guarantees defined in the Constitution.

In view of the substantial importance of the interrogation, it is not as a

rule entrusted to judiciary officers except in cases where there is fear of loss of evidence. The interrogation which has been reserved by the law to the examining magistrate alone relates to the confrontation of the suspect with different evidence, and engaging him in a detailed discussion of such evidence, so that he would either confess or deny the charge.

According to Egyptian law, interrogation must be orally administered and registered in writing. The oral condition is meant as a guarantee that the words of the suspect and others, are accurately reported in writing.

The suspect is not required to take oath the assumption being that no person is expected to testify against himself. The suspect has the right to remain silent or to choose any other means for his defense. If he lies during interrogation, he would not be accused of false testimony.

The interrogation must be conducted under conditions which do not compromise his will nor his freedom to speak or defend himself. The interrogator must refrain from posing suggestive questions or resort to deceitful ways which would nullify the interrogation or the confrontation and subsequent actions built thereon.

Article 124 of the Law of Criminal Procedures confirms the suspect's right to seek the services of a lawyer. The article provides that except in cases where the suspect is caught in the act itself, or there be fear of loss of evidence, the interrogator in a criminal proceeding may not interrogate the suspect nor confront him with other suspects or witnesses except in the presence of his lawyer if he has one. The lawyer must be permitted to have access to the examination report one day before the interrogation or confrontation takes place unless the judge decides differently.

1.4. Guarantees During Detention Pending Investigation

The arrest of a suspect creates a new legal status whereby he is deprived of his freedom to move and communicate for a specific period of time. During this period, he undergoes examination by the competent authority which decides on the stage after. Criminal Procedures regulations limited conditions necessitating detention, to conditions of urgency to administer investigation or where there is need to protect the society from further criminal behavior by the suspect. It is usually difficult to administer the investigation on the same day of arrest, hence unless the suspect is acquitted immediately, he is sent, within twenty-four hours, to the competent public prosecution, which determines his arrest or release.

If the interrogation reveals strong evidence; against the suspect if the suspect escapes (in criminal and misdemeanor cases punishable by more than three months prison), the examining magistrate has the right to issue a detention pending investigation writ.

Any person arrested or detained must be immediately informed of the charge on account of which he is arrested or detained. He is entitled to communicate with others and inform them of his detention and seek the services of a lawyer.

The law has placed time limits on the periods of detention pending investigation in order to minimize the periods of deprivation from freedom.

1.5. The Principle of Procedural Legality as Guarantees During Trial

Subsequent to the preliminary investigation, the trial procedures are initiated. It is a universally accepted rule, that it is in the interest of all the litigants to guarantee a fair trial. The requirements of fairness necessitate a legally constituted court, established in accordance with the law, enjoying appropriate jurisdiction in all aspects; judges should be provided with the rightful guarantees

against outside influence, and immunity against unjustified legal action and arbitrary dismissal or transfer of post. Thus the freedom of judges from all and any influence is secured save the dictates of their own consciences.

Egyptian law adopts the principle of the presumption of innocence until proven guilty through a fair trial adequately provided with self defense guarantees. The task of proving guilt is the responsibility of the public prosecutor. The defendant is entitled to be informed of his charge in a language he understands, or else through an interpreter. He is provided with a lawyer and is entitled to present evidence and to have access to all documents in the case. He has the right to take part in the trial and to appeal court rulings.

Article 32 of the Criminal Procedures prescribe that the judge shall rule according to the opinion he has formed of the case freely and unrestrictedly. He may not build his opinion on any evidence that was not presented to court. Any confession by the defendant or testimony by the witnesses delivered under compulsion or threat of compulsion is invalid. In expounding the implications of this principle, the Supreme Constitutional Court ruled that the presumption of innocence constitutes a fundamental principle in all stages of criminal proceedings. On the premise of the presumption of innocence, an innocence decision may not be revoked except by the presentation to court of conclusive evidence. It is for the court to examine such evidence and form its opinion. The court shall in no way be influenced by any interpretation of the evidence save its own interpretation of the entire evidence upon which it forms its opinion. No body or authority shall impose its interpretation of any specific piece of evidence. The court shall at all times rely on its own opinion formed on the basis of the facts of the case unrestricted by the opinion of the public prosecution or that of the defense regarding the facts.

Within such controls, criminal proceedings during the trial are strictly defined. The court must inform the defendant of the charge against him. The

case is registered under the name of the defendant and the subject.

It is the normal practice for the court to carry its proceedings orally as a hearing. The elements of the case are discussed by the court in the presence of the litigants. The judge shall not rule in a case depending on a procedure which has not been disclosed to the litigants, nor having availed them of the opportunity to duly discuss the proof upon which the ruling is built.

The defendant is entitled to speak or to be silent, to abstain from replying to questions. Confession obtained under compulsion and likewise evidence acquired through illegal procedures implying the violation of rights and guarantees provided for by the Constitution and the law, are considered invalid.

The Constitution crowns the principles cited above by prescribing in Article 57 that Any act considered as a violation of the freedom of the individual, or interferes with his privacy or violates any of his rights and freedoms guaranteed by the Constitution or the law, is an offense -in both criminal and civil proceedings. Such offenses do not lapse, and the State guarantees a fair indemnity to the person that has been wronged."

1.6. Guarantees During the Post Trial Stage

According to general consensus of contemporary jurists, rehabilitation of the offender is set out as one of the fundamental principles of punishment. The explanatory note on the Prison Regulations describes the treatment accorded to prisoners as covering remedial, moral, spiritual and educational aspects enabling the person to become law abiding person when he resumes his life in freedom.

With the view to the rehabilitation of prisoners, prison procedures in prisons have been identified as follows: examination, classification and rehabilitation of prisoners by the application of modern techniques.

2. The Egyptian Penal System

Prisoners are first examined to determine the suitable type of penalty or other disciplinary measure in implementation of the sentence.

- Examination: is undertaken by a number of specialists to assess the biological, mental, psychological and social condition of the prisoner. The information collected is used to classify the prisoners. Examination focuses on the detection of personality characteristics which have instigated the offense.
- Classification: the different categories of prisoners are kept in separate institutions. They are further divided within the same institution into categories in accordance with the type of treatment to be administered to each. The classification may be modified at the detection of any sudden personality changes which in some cases may necessitate the transfer of a prisoner from one institution to another.

In its provisions regarding the structure of the prison system, Egyptian law has acknowledged the separation of categories of prisoners. Jails have been established for new inmates where they are classified. A register is kept for every prisoner. Personal data entered in the register includes a complete case study covering the physical and psychological condition of the prisoner.

3. Techniques for the Execution of Freedom Depriving Penalties

In the execution of penalties necessitates certain techniques. Since punitive action aims primarily at rehabilitation, remedial, educational, moral and spiritual methods used in the treatment of the prisoners are themselves rehabilitation techniques.

4. Remedial Measures for Insane and Mentally Disturbed Prisoners

Persons who are found to be insane are not detained in prisons, but

removed to mental institutions where the appropriate treatment is provided for them. Such persons are not released until cured.

However, Egyptian law has not provided for the abnormal prisoner, hence it is left to the discretion of the judge to determine the extent to which such a prisoner is responsible for his actions, and whether he is totally incapable of “discretion or volition” being extenuating circumstances.

5. After Care

After care is the normal extension of the endeavors for good disciplining and rehabilitation administered during the execution of the freedom depriving penalty.

The “crisis of release” is the term used to describe the conditions of a prisoner resuming his life in freedom. Negative feelings of alienation from his environment especially in cases of long prison terms, rejection by his community and the sense of being left out while his peers have moved forwards are common. In addition, a released prisoner may have no home, clothes, work or money to lead a self sustaining and law abiding life in freedom.

Egyptian law has therefore given due consideration to such aspects, providing released prisoners with due care. Rehabilitation starts in prison at least two months prior to release. Prisoners are provided with clothes before they leave the prison premises.

Half the amount of the remuneration due to a prisoner on account of his labor in prison is saved and handed to him at his release. Prison social workers, are assigned with the after care. Treatment of prisoners awaiting to be released has been provided for by the law.

Prisoners who have spent more than four years in detention, are accorded

special treatment during the transitional period. The length of the transitional period is fixed in proportion to the length of the prison sentence, at a rate of one month per year in prison, with a minimum of six months and a maximum of two years. The privileged treatment during the transitional period includes removal to an institution with more relaxed discipline. During the transitional period, prisoners are accorded equal treatment to persons detained pending investigation in terms of visits and correspondence, and even allowed 48-hour holidays outside the prison.

6. The Judiciary in the Execution of Penalty

Contemporary penal systems emphasize the role of the judiciary in the execution of the penalty. On the grounds that rehabilitation is the objective of criminal legislation, and such objective is not realized by merely pronouncing the sentence in court, the jurisdiction of the judiciary extends to the execution of the penalty. The execution of the penalty should not imply the violation of the rights of the prisoner, the safeguarding of which being the essence of the role of the judiciary.

While Egyptian law has not established an “executive judiciary”, it has granted judiciary officials jurisdiction to visit prisons and check that the sentences are served in a manner that does not violate the law. However, an “executive judiciary” is provided for juvenile institutions. The draft Criminal Procedures currently under review will introduce the system of executive judiciary.

Provisions for the Extradition of Offenders and International Cooperation in Egyptian Law

Provisions for the Extradition of Offenders in Egyptian Law:

Extradition has been exercised in Egypt from ancient times. We are told that an extradition agreement was concluded between Ramsis II and the

Hittites in 1300 A.D. Each party in the agreement pledged to arrest and extradite offenders from the other country fleeing to its own territory.

The practice of extradition was introduced in contemporary Egyptian legislation by the Memorandum of the Ministry of Justice No 8 dated 8 March 1901. The decree provided for the delivery of offenders to the countries requesting them.

Provisions for the extradition of offenders in Egyptian law are subject to constitutional prescriptions. The prescriptions relate to human rights guarantees and freedoms enshrined in Chapters 3 and 4 of the Constitution. In addition the Constitution contains provisions prohibiting the expulsion of citizens (Article 51), recognizes the right of political asylum and prohibits the extradition of political asylum seekers (Article 53). On the other hand, Article 151, paragraph 1 of the Constitution, confirmed the binding force of agreements signed by Egypt, including extradition agreements. The said article recognizes that once concluded, ratified and published, extradition agreements have the same binding force as any law in effect in Egypt. As a consequence, extradition agreements are incorporated into the structure of the legal system in Egypt, and takes effect same as any other law. Recognizing the importance of organizing the provisions governing the extradition of offenders, keeping in step with the significant improvements in extradition practice at the local, regional and international levels, and as a result of interrelationships at the international level, the ease with which offenders can move between countries and across international borders, a chapter on extradition is currently under review for its incorporation into Egyptian Criminal Procedures.

7. Management and Improvement of Police Systems

Noting that the police is the first authority to which any victim of an offense would promptly contact, and that the police constitutes the law enforcing authority to ensure stability and social control, the Egyptian Constitution of 1971 has

stipulated in article 184 that, The Police System is a statutory civil body, presided by the President of the Republic, entrusted with the task of serving the people, ensuring their safety and tranquility, diligently watching over the observance of law, order and good conduct, discharging its duties as prescribed by relevant laws and regulations as set forth by the law.

The same meaning is emphasized in Article 1 of Law 109 of 1971 concerning the Police System. By virtue of the Constitution, the police system in Egypt is a civil institution presided by the President of the Republic who is the head of the executive authority in the state.

The Police in Egypt is a centralized system under the jurisdiction of the Minister of the Interior. The Ministry of the Interior formulates the general policy, sets out policy objectives and the means for their implementation.

The police are a hierarchical structure headed by the Minister of Interior. The Ministry of -Interior is divided into specialized sectors, further divided into a number of administrations. The police forces are distributed among geographical areas, each area comprises a number of governorates. The governorate is divided into police precincts established in urban centers, and police precincts are further divided into police stations. Specialized police squads are responsible for law enforcement in specific areas including national security, crime, juveniles, 'drug trafficking, public funds, vice squads, tourism, electricity, etc...

The law of criminal procedure confers the functions of judicial officer on several police categories specifically, regular officers, constables and their assistants, heads of police stations and precincts, functionaries in the Central Information Agency and in the Department of Public Security as prescribed in Article 23 of the Criminal Procedures Law. Police members are duly empowered by the law to perform their duties in the detection of crimes and the prompt seizure of offenders under the control and supervision of the general prosecution.

The strategy of the police is designed to realize the following objectives:

- (1) To combat all forms of crime and to cleanse the society of wrongdoers.
- (2) To protect the national security against elements which seek to undermine legality and the rule of law.
- (3) To protect individual safety and to safeguard his personal freedom, rights and property.
- (4) To protect and safeguard institutions and public facilities.

The strategy is based on the following foundations:

- (1) To protect the society against crime, harmful and subversive conceptual trends, and deviate behavioral patterns.
- (2) To modernize law enforcement organs by upgrading their mechanisms, improving their cadres and providing them with up to date technical facilities.
- (3) To adopt scientific methods in police operations, to develop police techniques and support scientific research in relevant specialized areas.
- (4) To increase the effective involvement of the population in addressing crime, and to secure their support of policemen in performing their duties.
- (5) To promote regional and international cooperation and to establish mutual security relations in order to develop social control mechanisms, upgrade human capabilities and benefit from the exchanges of experiences with other countries for combating crime.

7.1. Security and Social Control

The police is entrusted with ensuring the safety and security of the people, thus allowing them to pursue their lives peacefully. In fulfilling its task, the police strives to prevent all forms of crime whether threatening national security such as sabotage, civil strife, or violating general norms and standards such as the crimes of murder, theft, etc... The police participates in emergency situations such as fire fighting, providing relief to victims of floods, earthquakes, collapsed

buildings, etc.. The Egyptian police played an effective role during the earthquake that hit Cairo in 1992, and the floods which killed and stranded large numbers of people and destroyed hundreds of rural houses in 1994. Police normally perform their tasks by a diversity of methods including patrolling, vigilance, ambush, surveillance of criminals and drug traffickers, etc... The Egyptian police is developing its abilities through training and rehabilitation.

Police authorities have exerted relentless efforts in addressing and combating the wave of terrorism and violence in Egypt. The society has been intimidated by deviate groups who claim to be religious but in fact nourish criminal ideas and are greedy for power. In confronting the danger of extremist groups, the police has applied state of the art techniques in crime fighting, scientific planning and training. The criminal groups have shed innocent blood, inflicted suffering on society and sought to tarnish the name of Islam, the religion of compassion, and tolerance.

7.2. Law Enforcement Function

The police is responsible for the enforcement of laws and regulations which foster social order and security. The National Security Department undertakes the. planning and coordination of efforts to combat crime in governorates. The police collects, tabulates, analyzes and compares statistical data, about criminals, their features and methods of operation, keeps an eye on major feuds and hostilities and seeks to effect reconciliation.

7.3. Crime Detection, Pursuit and Arrest of Offenders

The police applies all the necessary measures to discover crimes and to arrest criminals in accordance with the regulations for criminal procedures. The measures used may be summarized as: investigation, collection of evidence by using up to date methods and mechanisms for .the detection of crimes, verification of evidence as preliminary for the investigation of the crime by the public prosecution.

7.4. Emphasis on the Role of the Police in Society

The Ministry of the Interior has recently established within its organizational structure, a social security unit to administer the social aspects of security. The social unit supervises the following departments: the prison department, the drug control department, the juvenile department, vice squads, rehabilitation department and the civil affairs department. In discharging its functions, the social unit engages in activities to curb drug trafficking, organized crime, prostitution and trade in pornographic and illicit materials, juvenile crime, search for runaway juveniles from social institutions to accommodate them with foster parents, to provide rehabilitation and reintegration services for persons released from prisons and to cater to the needs of their families.

7.5. Promoting Social Development

The Ministry of Interior has established an economic security unit to address the various forms of economic crimes particularly after Egypt's adoption of a free market economy. Economic crimes evidently affect social stability.

In view of the radical changes which the society has undergone over the past few years, the emergence of new types of crimes, and the changes in crime patterns at the international level, the Egyptian police established a number of administrations to address offenses related to public funds, rationed food supplies, tax evasion, domestic trade, tourism, antiquities, transportation and communication, electricity and water bodies. Police administrations are also responsible to address corruption in the government machinery and to monitor irresponsible activities which pollute the environment.

7.6. Greater Involvement of the Civil Population in Support of Police Efforts

The police is concerned with alerting the population on the dangers of crime and soliciting community support for addressing crime, terrorism, and all forms of deviate behavior. The police organs provide accurate information

about the criminal situation, highlighting the role of the public in buttressing the police efforts to detect crime and arrest offenders. In this respect, the Ministry of Interior has adopted the following:

- A strategy was formulated to address violence, terrorism and crime through the media.
- A modern information center was established, the center is well equipped with facilities for communication with the media at the domestic and international levels with the view to building an effective communication system for the rapid exchange of data. The data is used for drawing a security strategy, combating crime and maintaining social order.
- Producing television material for raising public awareness of the dangers of drug abuse and addiction, urging drug victims to give up their habit and join centers for drug therapy and rehabilitation.
- Undertaking scientific studies and public opinion surveys on various social strata in order to produce inputs for the formulation of a media plan to combat crime and deviate behavior.

Chapter Three

Penal Treatment

The science of treatment indicates how to deal with delinquents after the commission of their crimes in order to obviate their recidivism.

In the following part, we shall speak about the determination of culprit's degree of dangerousness, the distinction between penalty and security measure, the items of ideal treatment policy, the methods of treatment in a closed prison, the treatment of juvenile offenders, the treatment in open establishments , the treatment of negligent offenders, the exclusion of some convicts from the field of treatment and the schedule of different offenders and of the way of treating each.

1. The Degree of Dangerousness

Criminology expertise as it has been defined previously, determines the degree of the culpable dangerousness and of the probability of his future delinquency so that the judge is enabled to fix the quantity and quality of his penal treatment that obviates his recidivism

The experts study the character of the delinquent, his motives, his precedents, his life prior to his delinquency, his behavior concomitant or consecutive to the execution of his crime, and the circumstances of his individual familiar and social life.

The report that the criminology expert presents to the judge about the culprit's degree of dangerousness must have a conclusion which indicates to what extent the culprit's future crime is expected.

When the culprit proves to be emended by the instruction and trial procedure in such a way that a future crime on his part is not to be expected

at all, the expert excludes his dangerousness and the judge concedes to him a suspended penalty or a judicial pardon.

The expert in the other cases, must indicate, to what extent, as we said, the culprit's volition is free from the pressure of internal constraint which is the criminal constitution. In the case of this constraint, the penalty appears useless and hence it will be replaced by a security measure (internment of the multi-recidivist in a work establishment).

If the freedom of volition is not seriously diminished, because it is not subject to an inner force such as the criminal constitution, then the expert indicates that the culprit deserves a penalty.

If the freedom of will is completely suppressed by an inner force such as madness or semi-madness or childhood, the penalty will be replaced by the security measure too (internment in a mental hospital for the mad and semi-mad and in a social establishment for the child).

The following equations illuminate the result of criminology expertise:

- 1) Crime + free will + dangerousness = penalty (occasional delinquent and simple recidivist)
- 2) Crime + suppressed or seriously diminished will + dangerousness = security measure (mad, semi-mad, multi-recidivist, and child).
- 3) Crime + free will + lack of dangerousness = suspended penalty (occasional repentant delinquent).

An accused individual whose guilt is not yet established should not be subject to criminology expertise otherwise, there will be a dangerous sacrifice of human liberty personal dignity and presumption of innocence.

That is why nobody should be submitted to criminology expertise unless his guilt is proved. The international congress of penal law held in Rome on 1969 recommended the scission of the penal process into two phases one is dedicated to prove if the crime belongs or not to the suspected person. The second phase could not be opened unless the first one is terminated by the guilt of the suspected person, pronounced by the judge. Only then the guilty will be submitted to the criminology expertise. If the suspected person is declared innocent the process procedure stops and there will be no place for that expertise.

2. Penalty And Security Measure

Penalty is a method of treatment in which the psychological pain prevails over medical treatment.

This pain consists of the loss of liberty by the internment in jail. On the contrary, security measure is a method of treatment in which, medical treatment prevails over psychological pain or in which precaution is equal to this pain.

For example, penalties are the imprisonment, the hard labor, the reclusion, as well as death penalty.

The security measure is either a curative or precaution measure. The curative one is the internment in a mental hospital or in a work establishment. The precaution one is for example the supervision of the police or the probation.

In the precaution measure of security, there is a psychological pain but it does not prevail over the nature of the measure as the part of precaution in the latter is equal to its part of pain.

The insane delinquent is irrefutably sent to the mental asylum.

But the semi-mad delinquent is differently treated by the penal codes

of many countries, because according to them, he enjoys a diminution of the penalty accompanied by the internment in mental hospital. In my opinion this accompaniment is faulty, because if we start, in the treatment of the semi-mad, with the imprisonment his medical treatment will be not only retarded but also complicated. if we start with the medical treatment, its beneficial effect will be spoiled by the subsequent imprisonment. That is why all delinquents who deserve a diminution of penalty such as -in addition to the semi-mad, the deaf mute, and those who are affected by a chronic intoxication from alcohol or drugs- should be interned in special establishments which combine the loss of liberty with the medical treatment.

As regards the multi-recidivists who deserve an aggravated penalty it would be erroneous to submit them successively to this penalty and after that to the work establishment, because it will not be suitable to insist with them on the application of imprisonment while it has been useless. That is why the Egyptian penal code submit them to the work establishment instead of imprisonment or hard labor.

But if the combination of penalty and curative security measure is not advisable because of their different nature, it is admissible on the contrary to combine a penalty with a precaution security measure, as when a counterfeiter is submitted to the police supervision after the execution of his penalty,

3. Primordial Principles of Ideal Criminal Policy

3.1. The Purpose of Criminal Sanction is The Emendation of The Criminal.

After a long historical evolution, a primordial principle became established namely the sufficiency of the loss of liberty as the only admissible pain to inflict on the delinquent, without any unnecessary supplement of suffering.

The abolition of hard labor in England, France and Germany is due to this

principle. On the other hand, machines actually assume the hard labor instead of men. For example the crane lifts now the heavy weights. That is why those three countries have maintained only the imprisonment whose duration depends on the gravity of guilt.

3.2. The Individualization of Treatment

The penal codes should provide for different penal establishments according to the individuality of each criminal, namely according to his kind of man, whatever can' be the kind of crime. In addition to mental hospital for mad men or semi-mad, an establishment should be founded for each group of criminals: juveniles, psychopaths, drunkards, addicted to narcotics multi-recidivists, deaf, mutes etc... Meanwhile, if the specialized establishment could not be constructed, specialized compartments could be annexed to available ordinary jails.

The most important function of the police is the impediment of crimes before their commission. This task is much more essential than that of apprehending criminals after the perpetration of their crimes.

That is why the first duty of the police is that of discovering each dangerous state to eliminate it before its transformation into a crime.

Therefore, the police must operate a peaceful settlement of any dispute. It must organize traps to stop any criminal attempt before it leads to a crime and proceed to patrols to insure public security.

A special feminine police for juveniles, should be established as we said to pursue juvenile vagrants and fugitives from school. The Polish experience showed the success of this police.

3.3. Methods of Treatment in Jail

We have yet exposed the rights recognized in favor of prisoners after the success of prison reform efforts.

Now we summarize the methods of treatment in jail¹ stressing upon the following means:

- 1) The medical treatment and the religious education
- 2) The instruction and professional training.
- 3) The maintenance of prisoners' relation with relatives, friends, work principals, and the exterior social life, under the control of jail officers.
- 4) The suspension of sexual stimulant through suitable medicaments and sports.
- 5) The group psychotherapy which consists of organized meetings of prisoners where each one is invited to tell in presence of his fellows the history of his own criminal career and to admit during his tale an identification that makes himself feel his personal fault. This psychological phenomenon is called catharsis which means the self realization of personal guilt.
- 6) The attenuation of liberty restrictions to prepare the prisoner's release and return to free life.
- 7) The post-care after release.

3.4. The Treatment in Open Establishment

This establishment has been suggested by the first international congress of the United Nations on the prevention of crime and the treatment of offenders (Geneva 1955).

Such establishment is characterized by the fact that it is deprived of any precaution against flight. It has no iron barriers, no walls, no locks, no armed guards.

In it the convict count upon himself to practice agriculture or industry according to his choice, till the end of his penalty.

To the Open establishment could be assigned those convicts whose emendation is expected in it more than in other one, after a physical and psychological examination and a social investigation.

The convict could be assigned to that establishment since the beginning of his conviction or after having been interned in a traditional jail for a certain period.

In the oasis of Siwa, a similar establishment has been founded to receive prisoners who should pass their transitory period of treatment before their release.

The assignment to such establishment is a security measure rather than a penalty.

The Egyptian Siwa experiment confers to each convict at the expiration of his penal sanction a piece of the desert land to exploit and obtain its fruits for himself. The exploitation of desert lands in Egypt is the purpose of this method of treatment.

4. The Problem of Short-Term Prisoners

We mean by short term prisoner, the convict who is punished with six months or less imprisonment.

As this short term imprisonment exposes the convict to a mixture with prisoners more dangerous than him, the first international congress of the United Nations on the prevention of crime and the treatment of offenders, recommended the assignment of the short term prisoner to an open establishment.

5. The Treatment in The Field of Negligent Delinquency

Every negligent convict who causes the death or the hurt of a victim must be condemned to the retirement of his driving license.

In order to obtain a new license after a certain period of time, he must be submitted to a medical psychological examination.

In the case of recidivism, his license must be definitely retired forever.

Terminology

<u>Introduction:</u>	
Perception	إدراك
Comprehension	تفهم
Naturalistic sciences	العلوم الطبيعية
Phenomenon	ظاهرة
Normative sciences	العلوم التنظيمية
Penal norms	قواعد جنائية
Legislator	مشرّع
<u>Crime as a legally prohibited behavior</u>	
Representative of the nation	ممثّل للشعب
Hence	بالتالي
Social will	إرادة الجماعة
Terminology	مصطلحات
Crime	جريمة
Punishable behaviour	سلوك معاقب
Gravity	جسامّة
Whatever its gravity is	أياً كانت جسامته
Felony	جناية
Misdemeanour	جنحة
Contravention	مخالفة
Offence	عدوان أو جريمة
Perpetual	مؤبد
Temporary	مؤقت
Hard labour	الشغل الشاق
Armed robbery	السرقّة باستخدام السلاح
Evidently	بالبداهة
To require a punishment	يتطلب عقاباً
Otherwise	والأ
Repetition	تكرار

Firing rifles	إطلاق بنادق
Wedding ceremony	حفل زفاف
Reckless homicide	قتل بإهمال
<u>Crime as a social reality</u>	
Instinct	غريزة
Doer	فاعل
Physical and psychological traits	خصائص جسمية ونفسية
Intermediate man	رجل متوسط
Stature	قامة
Reclusion	السجن
Imprisonment	الحبس
Fine	غرامة
Penalty	عقوبة
Criterion	معييار
Process of incrimination	عملية التجريم
Acts or Abstentions	أفعال أو امتناعات
To violate	يهدر
Fundamental condition of peaceful social coexistence	شرط أساسي للتعايش الاجتماعي السلمي
Circumstances supporting such condition	ظرف مساند لهذا الشرط
To abstain from	يمتنع عن
Treaching	نصب
Embezzlement	خيانة الأمانة
Median height	ارتفاع القامة المتوسط
Giant	عملاق
Dwarf	قزم
Dull	غبّي
Mentally retarded	متخلف عقلياً
Morphology	علم الأعضاء الظاهرة

Physiology	علم الأعضاء الباطنة
Gluttonous	شره
Sober	قنوع
Deficiency	نقصان
Excess	إفراط
Average	متوسط
Considerably	على نحو هائل
Psyche	نفسية
Soul	نفس
Thought, feeling and volition	فكر وشعور وإرادة
Emotion	انفعال
Passion	عاطفة
Caprices	نزوات
Reasoning thinking	التفكير المتعقل
Instinct of self conservation	غريزة الحرص على الكيان
Property instinct	غريزة التملك أو الاقتناء
Offence-defence instinct	غريزة القتال والدفاع
Sexual instinct	الغريزة الجنسية
Vice-Versa	والعكس بالعكس
Procreation	الإنسال
Actuation	إعمال
Self-love	حب الذات
Refinement	تشذيب
Abolishment	إلغاء
Secondary instinct	غريزة ثانوية
Fundamental instinct	غريزة أساسية
Attenuating	تخفيف
Sharpness	حدة
Innate or acquired tendency	ميل بالميلاد أو الاكتساب

Material or moral existence	الكيان المادي أو المعنوي
Harming	إضرار
Fundamental instinctive activity	نشاط الغريزة الأساسية
Striking	ضرب
Insulting	إهانة
Rape	اغتناب
Preponderance	طغيان
Promotive power	قوة دافعة
Refraining power	قوة مانعة أو ملجئة
Abnormal instinctive quantity or quality	شدوذ غريزي كمي أو كيفي
Pride	خيلاء أو غرور
Hated of life	كره الحياة
Homicide-suicide crime	جريمة القتل الانتحاري
Avidity	جشع
Prodigality	تبذير
Inclination to accumulate property	الميل إلى تكديس الملكية
Expenditure	الإنفاق
Spender	منفق
To compensate	يعوّض
Loss	خسارة
Assaulting other's property	العدوان على ملكية الغير
Precipitateness	التهور
Cowardliness	الجبين
The precipitate	المتهور
The coward	الجبان
Hypocrisy	نفاق
Pretending	تظاهر
Passive	سلبي

Active	إيجابي
To dislike	يكره
To detest	يمج
Torture	يعذب – تعذيب
Sympathy	تعاطف
Impotency	العنة
Rape	اغتصاب
Kidnapping	خطف
Promotive power	قوة دافعة
Refraining power	قوة مانعة أو ملجئة
Abnormal instinctive quantity or quality	شدوذ غريزي كمي أو كيفي
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Expenditure	الإنفاق
Spender	منفق
To compensate	يعوّض
Loss	خسارة
Assaulting other's property	العدوان على ملكية الغير
To elude justice	يتملص من العدالة
Occasional delinquent	المجرم العرضي
Constitutional delinquent	المجرم بالسليقة
Abnormal	شاذ
To waken	يوقظ
Animating factors	عوامل منبهة

Consuming drugs	تعاطي المخدرات
To awaken	يوقظ
Inherent in	كامن في
Heredity	الوراثة
Hippocrates	إبيوقراط
Socrates	سقراط
Plato	أفلاطون
Aristotle	أرسطو
Corrupted soul	نفس فاسدة
Deriving from	ناجمة عن
Physical deformities	تشوهات خلقية
Trend	اتجاه
Persisted	بقي
Till the Middle Ages	حتى العصور الوسطى
Belief	معتقد
Features	تقاطيع
Umbilicus	سرة البطن
Planets	كواكب
Destiny	مصير
Wicked	شرير
To reveal	يظهر – يكشف
Physical defects	عيوب خلقية
To sustain	يؤيد
Natural philosophers	فلاسفة طبيعيين
Weakness of character	ضعف خلقي
Related to a trouble	مرتبطة بخلل
Development	نمو
Brain	دماغ
Cerebrum	مخ

Physician	طبيب
To profess	ينادي
Fall in a sin	وقوع في خطيئة
Offender	مجرم
Uncompleted and deformed figure	صورة ناقصة مشوهة
Specialized in mental diseases	متخصص في الأمراض العقلية
Madness	جنون
To arise	ينبع أو ينبعث
Origin	مصدر
Defective formation	تكوين معيب
To reverse	يعكس
Idea	فكرة
Resurrection	بعث
To belong to	ينتمي إلى
The remote past	الماضي البعيد
Pathological nature	طبيعة مرضية
Similitude	شبهه
To clarify	يظهر أو يوضح
To support	يساند
To start	يبدأ
Attempt	محاولة
To undertake	يأخذ على عاتقه
Scientist	عالم
Forensic and nervous medicine	طب شرعي وعصبي
Physical characteristics	مميزات جسمانية
Evil soldiers	جنود أشرار
Tattoos	وشمات
Ugly drawings	رسوم قبيحة
Printed	مطبوع

Autopsy	تشريح
Cadavers	جثث
Defects	عيوب
Bodily formation	تكوين جسماني
Skulls	جماجم
Anomalies	وجوه شذوذ
Capacity of endurance	طاقة احتمالية
Specialized in mental diseases	متخصص في الأمراض العقلية
Madness	جنون
To arise	ينبع أو ينبعث
Origin	مصدر
Defective formation	تكوين معيب
To reverse	يعكس
Idea	فكرة
Resurrection	بعث
To belong to	ينتمي إلى
The remote past	الماضي البعيد
Pathological nature	طبيعة مرضية
Similitude	شبه
To clarify	يظهر أو يوضح
To support	يساند
To start	يبدأ
L'uomo delinquent	الإنسان المجرم
To appear	يظهر
Latter researches	بحوث لاصقة
To surpass	يتجاوز
Apparent	ظاهر
Functions	وظائف
Internal organs	الأعضاء الداخلية

Psychological conditions	الأحوال النفسية
To state	يقرر
Strict relation	صلة وثيقة
Organic trouble	خلل عضوي
Psychological defect	عيب نفسي
To include	يضمّن
Observations	ملاحظات
Edition	طبعة
Psychological lunatic	مجنون نفسي
Violent and blood crimes	جرائم عنف ودم
To deduce	يستنتج
Nervous acts of epilepsy	أفعال عصبية تشنجية
To evolve	يتطور
Primitive monster	وحش بدائي
Epileptic	متشنج عصبي
To translate	يترجم
To criticize	ينتقد
Born criminal	مولود مجرماً
Hereditary factors	عوامل وراثية
Abnormal creature	مخلوق شاذ
Assertion	تقرير
Was bitterly criticized	انتقد بمرارة
Contemporaries	معاصرون
To impute	ينسب
Grave lack of statistics	قصور شديد في الإحصاء
Psychological anomaly	شذوذ نفسي
Definite fall in delinquency	سقوط حتمي في الإجرام
Hereditary inclination	ميل موروث
Associated with	مقترن بـ

To occur	يوجد أو يحدث
Latent	خفي أو مستتر
Without conducing to any crime	دون إفضاء إلى أية جريمة
Could be acquired after birth	يمكن أن تكتسب بعد الميلاد
Naples	نابلي
Disciple	تلميذ
Psyche	نفسية
Lacking mercy and honesty	ينقصه الورع وتنقصه الأمانة
To generate	يولد
To assert	يقرر أو يعلن
Special prevention	المنع الخاص
Frightening of the public	إخافة أو إرعاب الجمهور
General prevention	المنع العام
Last steps	خطوات أخيرة
To pave the way	يمهد الطريق
Apparition	ظهور
The positive school	المدرسة الوضعية أو الواقعية
To head	يرأس
Principles	مبادئ
Exerted their influence	باشرت تأثيرها
Penal legislations	التشريعات الجنائية
He achieved the task of his master	أكمل عمل أستاذه
To show	يبين - يظهر
Criminal sociology	على الاجتماع الجنائي
Author	مؤلف
Cosmic	كوني
Organic	عضوي
To define	يعرّف
Interaction	تفاعل

Inner and personal factors	العوامل الداخلية الشخصية
Natural geographic environment	الوسط الطبيعي الجغرافي
Social spiritual factors	عوامل اجتماعية روحية
Social relations	روابط اجتماعية
Proportion	نسبة
View	رأي أو وجهة نظر
To give birth to	يولد
The so-called	ما يسمى
Criminal density	الكثافة الجنائية
Field of chemistry	مجال الكيمياء
Law of density	قانون الكثافة
Amount	كمية
Liquid	سائل
Temperature	درجة حرارة
To dissolve	يذيب
To represent	يمثل
Limit of saturation	حد التشبع
More or less	أكثر أو أقل
Hence	إذن
Degree	درجة
Consequently	تبعاً لذلك
Premise	مقدمة
Compelled	مستبّر
Power of free choice	قدرة على حرية الاختيار
To deserve	يستحق
Measure	إجراء أو تدبير
Nevertheless	رغم ذلك
To defend itself	تدافع عن نفسها
To eliminate	يستبعد أو يزيل

To originate	ينشئ أو يولد
To substitute to the moral responsibility	يحل محل المسؤولية الأدبية
A legal one	واحدة قانونية
Defense	دفاع
Preventive measures	تدابير وقائية
Instead of	بدلاً من
Repressive measures	تدابير عقابية
To expect	ينتظر
To address to	يوجه إلى
To threaten	يهدد
To apply	يطبق
It is assumed that	من المفروض أن
Effective taste of the punishment pain	المذاق الفعلي لألم العقاب
To operate	يفعل أو يحدث
Inner character	الطبع الداخلي
Modification	تعديل
The simple threat of punishment	محض الإنذار بالعقاب
To be unable to realize	يعجز عن تحقيق
To ascribe to	يرجع إلى
The function of social defence	وظيفة الدفاع الاجتماعي
Retribution of a sin	مقابل خطيئة
It drew the attention of legislators to	جذب انتباه المشرعين إلى
Necessity of providing a security measure	ضرورة النص على تدبير وقائي
Releasing	إفراج
Leaving him to the discretion of the administrative authority	تركه تحت رحمة السلطة الإدارية
Prevention	وقاية

To avoid the factors leading to delinquency	يتلاشى العوامل المفضية إلى الإجرام
Individualization of penal treatment	تفريد المعاملة الجنائية
Penal execution	التنفيذ العقابي
To adapt to	يوأتم مع
Resocialization	تأهيل
Briefly	بإيجاز
To promote	يحرك أو يشحذ
Penal sanction	الجزاء الجنائي
In the fields of legislation, judgment and execution	في مجال التشريع والقضاء والتنفيذ
To acquire approval	يحظى بالقبول
Free will	إرادة حرة
Towards the non mad criminals	إزاء المجرمين غير المجانين
Sociologist	عالم اجتماع
To surround	يحيط بـ
Is susceptible to	قابل بـ
Correctness	إصلاح – استقامة
Elimination	استبعاد أو إزالة
To environ	يحيط بـ أو يكتنف
Is not keen to recognize	ليس ميالاً إلى الإقرار بـ
Criminologist	عالم إجرام
Raw material	مادة أولية
To shape	يشكل
The corrupted environment in which he took birth and grew	الوسط الفاسد الذي ولد ونما فيه
To look for	يبحث عن
To give rise	يثير
To knock at their doors	يطرق على أبوابهم
The knocking at his own door	الطرق على بابه هو

To combat	يكافح
Negligence	إهمال
Citizens	مواطنون
Poverty	فقر
Issue	نتيجة منبثقة
Harmful	ضار
Co-existence	التعايش المشترك
Doctrinal conflict	خلاف ثقافي
Is impregnated by	مشبع بـ
Culture	ثقافة
Is in contrast with	في تعارض مع
Regions	مناطق
Miserable parts	أجزاء بائسة
Delinquency area	بقعة الإجرام
Social group	فئة اجتماعية
The upsaid point of view	وجهة النظر السابق أن أشير إليها
The same effect	ذات الأثر
To depend upon	يتوقف على
Susceptibility of undergoing it	قابلية التأثر به
Unavoidable	غير قابل للتحاشي
Psychiatrist	عالم المرض العقلي والعصبي
To originate from	ينبثق من
Object entity	كيان خسيس
To predominate upon	يطغى على
Sublime entity	كيان سام رفيع
Is distinguished by	متميزة بـ
Fundament	أساسي
Supplementary	تكميلي
Profound and original	عميق وأصيل

Less profound	أقل عمق
To reflect	يعكس
Race	جنس
To encounter	يواجه – يقابل
Even partially	ولو جزئياً
To mention	يذكر
Guilty complex	مركب خطيئة
To push the individual	يدفع الفرد
The deserved punishment	العقاب المستحق
To attribute to	ينسب أو يرجع إلى
Attempt of freeing himself from	محاولة تحرير نفسه من
Inner struggle	صراع داخلي
Inferiority complex	مركب تدني
Evidently	بالطبع
Do not offer a general criterion of delinquency	لا تقدم معياراً عاماً للإجرام
To flourish	يزدهر
Really	حقيقة
First half	نصف أول
Actual century	القرن الحالي
Due to	بسبب
Efforts	جهود
To adopt	يتبنى أو يتبع
Scientific methods	وسائل علمية
Experiments	تجارب
Establishment of prevention and repression	مؤسسات الوقاية والعقاب
Universal physician specialized in glands diseases	طبيب عالمي متخصص في أمراض الغدد
Human typology science	علم فصائل الإنسان

Categories	فئات
Common symptoms	أعراض مشتركة
Criminal anthropology	علم طبائع المجرم
Crowned his efforts by	كلل جهوده بـ
Criminal constitution or predisposition	التكوين الإجرامي أو الاستعداد السابق للإجرام
Experience indicates	تظهر الخبرة
To possess	يحوز
Tendency or inclination to delinquency	ميل أو نزعة للإجرام
Doesn't exist in the others	لا توجد في الآخرين
Which provoke their criminal tendency and lead them to delinquency	التي تثير نزعتهم الإجرامية وتقودهم إلى الإجرام
On the part of ordinary persons	من جانب الأشخاص العاديين
To animate	يثير
To exteriorize	يظهر
Is connected with	مرتبط بـ
Is simultaneously physical and psychological	جسمي نفسي في آن واحد
To differ according to their kinds	يختلف باختلاف أنواعهم
To distinguish from	يميز عن
Does not attain a pathological nature	لا تبلغ حد الطبيعة المرضية
Doesn't deserve the quality of a disease	لا تستحق وصف المرض
The mad who is delinquent	المجنون المجرم
The delinquent who is mad	المجرم المجنون
His recovery from madness	إبلاؤه من الجنون
Previous to	سابق على
To aggravate	يضاعف الجسامة
It would not be enough	لا يكون كافياً

To treat	يعالج – يعامل
At an early age	في سن مبكر
To imply	يتضمن
Grave	جسيم
To find delight and pleasure in committing them	يجد لذة وسروراً في ارتكابها
We approve	نوافق على
Causal factor of delinquency	العامل السببي في الإجرام
Less detailed	أقل تفصيلاً
Central nucleus of criminal personality	النواة المركزية للشخصية الإجرامية
Egocentrism	الانطواء على النفس
Quick driftage	سرعة الانسياق
Aggressiveness	نزعة التعدي
Affective indifference	عدم الاكتراث العاطفي
Four abstacles that stand in the way of crime	أربع عقبات تقف في الطريق إلى الجريمة
The social opprobrium	العار الاجتماعي
The legal threat of punishment	إنذار القانون بالعقاب
The consist of	يتمثل في
Difficulties	صعوبات
Probably	احتمالاً
The horror of the figure which is given by this execution	بشاعة الصورة التي يعطيها هذا التنفيذ
To overcome	يتخطى
Surpassingness	تخطي أو تجاوز
Indesicive acquiescence to the criminal idea	الإقرار غير الحاسم للفكرة الإجرامية
Decisive acquiescence to the criminal idea	الإقرار الحاسم للفكرة الإجرامية
The dangerous crisis state or the psychological dangerous crisis	حالة الأزمة الخطرة أو الأزمة النفسية الخطرة

Withdraw	يسحب أو يرجع عن
The passage to the act	العبور إلى الفعل
Organic physical factor	عامل عضوي جسمي
Social economic	اجتماعي اقتصادي
To deflect to	يحوّل إلى
Mental psychological factor	عامل ذهني نفسي
<u>The animating internal factors of delinquency</u>	
Addiction to alcohol drugs	الإدمان على الخمر أو المخدرات
Disorder of glandular secretion	الخلل في الإفراز الغدي
Self suggestion	الإيحاء الذاتي
<u>The animating external factors of delinquency</u>	
Natural surroundings	المحيط الطبيعي
Social surroundings	المحيط الاجتماعي
<u>Internal animating factors</u>	
(1) The sex	الجنس
(2) The age	السن
Puberty	المراهقة
Pubescent	المراهق
Obscene acts	الأفعال الفاضحة
Compensation	تعويض
Sexual potency decline	أفول القدرة الجنسية
(3) Alcohol and drugs	الخمر والمخدرات
Moderate use	الاستعمال المعتدل
Consciousness	الوعي
To sensitize	يثير
Embezzlers	خائنو الأمانة
Predisposition	الاستعداد المسبق
Audacious	مجترئ أو جسور
Arson	حريق

Sexual assaults	الاغتداءات الجنسية
Chronic	مزمن
Tuberculosis	السل الرئوي
Latent	خفي
Infuriating	إثارة
Idleness	خمول
Indifference	عدم اكتراث
Fall of mental faculties	انهيار الملكات العقلية
Has fallen a slave of the drug	وقع عبداً للمخدر
Poisonous substances	مواد سامة
Saturation point	نقطة التشبع
<u>(4) Certain diseases</u>	
Syphilis	الزهري
Typhoid	التيفود
Malaria	المالريا
Influenza	الإنفلونزا
Encephalitis	التهاب المخ
Larceny	سرقة
<u>(5) Disorder of glandular secretion</u>	
The thyroid gland	الغدة الدرقية
The pituitary gland	الغدة النخامية
The thymus	الغدة التيموسية
The sexual gland	الغدة الجنسية
The liver	الكبد
The kidneys	الكلَى
The pancreas	البنكرياس
Amputation	قطع أو استئصال
<u>(6) Emotion and passion</u>	
Interruption of feeling equilibrium	انقطاع الاتزان الشعوري

<u>(7) Autosuggestion</u>	الإيحاء الذاتي
Passive attitude	موقف سلبي
Accordance	توافق
<u>External animating factors</u>	
<u>Natural surroundings</u>	المحيط الطبيعي
1) <u>The weather</u>	الجو
Meteorologic statistics	إحصاءات الأرصاد الجوية
Calendar	تقويم
To prevail	يطغى أو يسود
2) <u>The food</u>	الغذاء
3) <u>The dwelling</u>	المسكن
<u>Social surroundings</u>	المحيط الاجتماعي
1) Disorganized family	الأسرة المفككة
2) School, friendships and job	المدرسة والأصدقاء والمهنة
3) Economic state	الحالة الاقتصادية
4) Widespread believes	المعتقدات الشائعة
To swear	يقسم
Masculinity	الذكورة
Excitement	إثارة
5) Mass-media	وسائل الإعلام
Autosuggestion of delinquency	الإيحاء الذاتي بالإجرام
6) Illiteracy and instruction	الأمية والتعليم
Patent	ظاهر
<u>The dynamics of crimes according to their kind</u>	ديناميكية الجرائم حسب نوعيتها
1) Dynamics of crimes against property	ديناميكية الجرائم ضد المال
2) Dynamics of crimes against persons	ديناميكية الجرائم ضد الأشخاص
To eviscerate	ييقر البطن
Savage	وحشي

To mutilate the cadaver	يقطع أوصال الجثة
3) Vengeance	النار
Residue	راسب
Vindictive retaliation	رد الفعل الانتقامي
To stab	يطعن
4) Doing evil for love of evil	فعل الأذى حباً في الأذى
5) Sexual jealousy	الغيرة الجنسية
Martial influence	السطوة الزوجية
Sensuality	الشهوة الجسدية
Exchange of ideas and sentiments	تبادل الأفكار والمشاعر
Truthfulness	الصدق
Reciprocated care	العناية المتبادلة
Spiritual affection	الإعزاز الروحي
6) Feeling of a physical or psychological inferiority complex	الشعور بمركب نقص جثماني أو نفساني
7) Pride and delight of	الغرور والمتعة
Seeing fire spectacles	بمشاهد النار
<u>Dynamics of masses delinquency</u>	ديناميكية إحرام الكتل الشعبية
1) The inclination to aggression	الميل إلى التعدي
2) The tendency to imitate	الميل إلى التقليد
3) The prevailing of evil spirit	طغيان النزعة إلى الشر
4) The paralysis of intelligence	شلل ملكة الذكاء
5) The bad conditions of people's life	الظروف السيئة لحياة الشعب
6) The feeling of omnipotence	الشعور بالجبروت
7) Presence of elements that facilitate delinquency	وجود عناصر تيسر الإجرام
Devastation	التخريب
Pillage	نهب
Burning	حريق

Facades of shapes	واجهات المحال
Incubus	الطرف القائد
Succubus	الطرف المقود
Previous acquaintance	تعارف سابق
By accident	بالصدفة
Gang	عصابة
Chief gangster	رئيس العصابة
<u>The source of casual factor</u>	مصدر العامل السببي
<u>Arguments in support of heredity</u>	الحجج المؤيدة للوراثة
<u>Subdivision of criminology</u>	
Criminal anthropology	علم طبائع المجرم
Morphology	علم الأعضاء الظاهرة
Endocrinology	علم الأعضاء الباطنة أو الكيمياء الداخلية
Criminal psychology	علم النفس الجنائي
Abdomen	البطن
Extremities	الأطراف
Deformities	التشوهات
Digestive apparatus	الجهاز الهضمي
Respiratory apparatus	الجهاز التنفسي
Cardiac vasomotor apparatus	جهاز القلب والأوعية الدموية
Urinary sexual apparatus	الجهاز البولي التناسلي
Nervous apparatus	الجهاز العصبي
More frequent	أكثر شيوعاً
More marked	أكثر حدة
To worsen	يسوء
Impressions	انطباعات
Gaps	ثغرات
Introvert perception	إدراك انطوائي على الداخل
Illusion	وهم

Hallucination	هلوسة
Attentiveness	قوة الانتباه
Capacity of judgement	ملكة الحكم
Capacity of logic	ملكة الاستنتاج
Capacity of criticism	ملكة النقد
Capacity of imagination	ملكة الخيال
Incapacity of identifying the scope	عدم القدرة على تبين الغاية
Precipitateness	الاندفاع
Without previous ponderation	دون وزن سابق
Automaticity	بصورة آلية
Criminal sociology	على الاجتماع الجنائي
Criminal psychopathology	علم الأمراض العقلية الإجرامية
Methods of research in criminology	أساليب البحث في علم الإجرام
Precedents	سوابق
File of inquiry	ملف التحقيق
Interrogations	استقهاامات
Doer's dangerousness	خطورة الفاعل
To tempt	يغري
Abundance	وفرة
Aliments	أغذية
Monetary stability	الثبات النقدي
Deserted	مهجور
Badly illuminated	سيء الإضاءة
Easily accessible	سهل الدخول فيه
Cash money	نقود سائلة
Poniard	خنجر
Revolver	مسدس
Instrument for fracture	أدارة للكسر
Efficiency	فاعلية

By mistake	بطريق الخطأ
Undue banknote	ورقة نقدية غير مستحقة
Reimbursing a check	صرف شيك
Testament	وصية
Testator	الموصي
In favour of his female lover	لصالح عشيقته
Donation	هبة
Destruction	إتلاف
Bachelorhood	(العزوبة) (حالة عدم الزواج)
Guessing	تخمين
<u>Criminal sociology</u>	علم الاجتماع الجنائي
<u>Economic state</u>	الحالة الاقتصادية
<u>General welfare</u>	الرخاء العام
General depression	الركود العام
Monotonous	ممل
Enterprises	مشروعات
Accumulated	مكدّس
Prosperous	رغيد
Fiscal situation	الموقف الضريبي
Exonerated	معفي
Seemingly	في الظاهر
Concentration	تركيز
Erroneous	مخطئ
To increase	يتضاعف
To decrease	يتناقص
To assimilate	يشبه
Temptation	إغراء
Magnet	مغناطيس
Scraping	برادة أو نشارة

Refractory	غير قابل للتأثر
To succumb	يخضع
Instantaneously	على الفور
<u>Social class</u>	الطبقة الاجتماعية
Synthesis	خلاصة التفاعل
Interaction	التفاعل
Isolately	على انفراد
Requisites	متطلبات
To demonstrate	يبين
Capacities	ملكات أو أهليات
Defective	معيب
<u>Height of stature</u>	ارتفاع القامة
Dimensions	أبعاد
Intelligence tests	اختبارات الذكاء
Simple workers	العمال البسطاء
Specialized workers	العمال المتخصصون
Numerous	متعدد
From generation to generation	من جيل إلى جيل
Big burden of misery	حمولة ضخمة من البؤس
Unsanitary dwelling	مسكن غير صحي
Bad nutrition	تغذية سيئة
Lack of readiness	عدم استعداد
Stimulants	دوافع أو بواعث
Obscuration of morality sense	تعطيم الحاسة الخلقية
Disability of work	عدم القدرة على العمل
Innate	مولود به
Acquired	مكتسب
Life requirements	مطالب العيش
Sublime	سام أو نبيل

To generate	يولّد
Envy	الحسد
Incontestable	غير قابل للجدل
Gifts	مواهب
To ascend	يصعد
Ascendance and descendance	صعود وهبوط
Secrecy	سريّة
Graduation	تدرّج
Patent	ظاهر
Sudden	فجائي
Survival of the most idoneous	بقاء الأصلح
Endowed	مزوّد أو موهوب
Progress requirements	متطلبات التقدم
To claim	يطالب
Goal	هدف
Brilliance	بريق
Deceit of desires	خداع الرغبات
Incessancy	اللانهاية
Insatiableness	عدم القابلية للشبع
To prevail	يطغى
Sufferance	معاناة
Sanguineous battles	معارك دامية
Slogans	شعارات
Blameful	محل للعتاب
Autocracy	حكم الأقلية
Democracy	حكم الأغلبية
Dictatorship	الديكتاتورية
Vicious circle	حلقة مفرغة
Incessantly	بدون انقطاع

Managers	رؤساء أو مديرون
Subordinates	مروؤسون
Fiscal duties	ضرائب
To flourish	يزدهر
Avoiding conviction	تفادي الإدانة
Wicked	خبيث أو شرير
<u>The degree of civilization</u>	درجة الحضارة
Progressive	متزايد
Graphic	رسم بياني
Ascendant line	خط صاعد
Statistics	إحصاءات
Spouses	أزواج
Horizontal line	خط أفقي
Illusive	واهم
To accelerate	يعجل
Ingress	دخول
Campaign	معركة
Concordance	وفاق
Contentment	رضاء
Discontent	سخط
Lamb	خروف
Male sheep	كباش
<u>The kind of life</u>	نوع المعيشة
Urban	حضري
Rural	ريفي
Administration centres	المراكز الإدارية
Beneath this limit	تحت هذا الحد
Heterogenous group	مجموعة غير متجانسة
To plough	يحرث

Wage worker	أجير الزراعة
Gathering of harvest	جمع الحصاد
Hirer	مستأجر
Exploiter	مستغل
Crospsharing	المزارعة
Shepherd	راعي الأغنام
Woodcutter	قاطع الأخشاب
Liberal professions	المهن الحرة
Employees	موظفون
Arid lands	الأراضي القاحلة
Economic cycle	الدور الاقتصادية
Phase of imitation and repetition	مرحلة تقليد وتكرار
Phase of insurgence and uprising	مرحلة تمرد وخروج
Phase of conformity and uniformity	مرحلة تطابق ومماشة
Momentary economic distress	ضيق اقتصادي مؤقت
Good moral health	صحة خلقية جيدة
Consumption	استهلاك
To obstruct the revelation	يعوق ظهور
Alert	حذر
Homogeneous	متجانس
Immigrants	مهاجرون
Underworld	دنيا سفلى
Countrymen	رجال الريف
Townsmen	رجال المدينة
Patience	صبر
Forbearance	طول أناة
Conservation	محافظة
Avariciousness	بخل

Opposition to change	الاعتراض على التغيير
Isolation and lack of contact	العزلة وعدم الاحتكاك
Denunciation	بلاغ
Committed thefts	السرقاات المرتكبة
Meditations	تأملات
Fermentation	تخمير
Increment	زيادة أو تزايد
To allude in the connection	يومئ في هذا الشأن
Exodus	هجرة
Ability	مقدرة
Pander	(قوادة (تعويل على العاهرات
Bribery	رشوة
Forgery	تزوير
Fraud	غش أو احتيال
<u>Practical usefulness of criminology</u>	
Individualization of punishment	تفريد العقاب
Juvenile deviation	انحراف الطفولة
Flagrant adultery	زنى متلبس به
Accompaniment of imprisonment with compulsory labour	مصاحبة الحبس بالعمل الإجباري
To replace	يبدل
Replacement	الإبدال
Trial	المحاكمة
Conditional release	الإفراج الشرطي
Relapse into delinquency	الوقوع من جديد في الإجرام
Diagnosis	تشخيص
Emendation	إصلاح
Undeniable	غير قابل للإنكار
Collaboration	تعاون

Combat	مكافحة
Pioneer	رائد أو فاتح الطريق
<u>Subdivision of penal expertise</u>	تقسيم الخبرة الجنائية
Analogously to	قياساً على
Penal matters	المواد الجنائية
Civil affairs	المسائل المدنية
Symposium	ندوة
Psychiatric expertise	الخبرة العقلية
Medico-legal expertise	الخبرة الطبية الشرعية
Criminalistics expertise	خبرة الأدلة الجنائية
Crime scene	مسرح الجريمة
Finger prints	بصمات الأصابع
Blood stains	بقع الدم
Forged documents	المستندات المزورة
Criminology expertise	خبرة فحص شخص المجرم
Available	موجود تحت التصرف
<u>Definition of penology</u>	التعريف بعلم العقاب
Discrimination	تفرقة
Social position	الوضع الاجتماعي
Interdiction	حظر
Flagellation	الضرب بالسياط
Medical experiments	التجارب الطبية
Exchanging correspondence	تبادل المراسلات
Anachronistic	غير مواكبة للعصر
Prevention science	علم الوقاية
Treatment science	علم التقويم
Occurrence	وقوع
To emend	يصلح
The ideal criminal policy	السياسة الجنائية المثالية

To avoid recidivism	يحاشي العود
To trace	يرسم
<u>Nowadays</u>	في الوقت الحاضر
Substitute	بديل
Legislative	تشريعي
Judicial	قضائي
Executive	تنفيذي
<u>PREVENTION</u>	
<u>A- Prevention of casual factor</u>	الوقاية من العامل السببي
Hereditary	وراثي
Avoidance of bad heredity	تحاشي الوراثة السيئة
For this purpose	لهذا الغرض
Posterity	الخلف أو السلالة
Engaged persons	الأشخاص المخطوبون
Defects	عيوب
Sterilization	التعقيم
Castration	الإخصاء
Fallopian tubes	قناتا فالوب للاستقبال
Ejaculation tube	قناة الإنزال
Testicles	المبايض
Uterus	الرحم
Limitatively	على سبيل الحصر
Mental disability	الضعف العقلي
Idiocy	البلاهة
Schizophrenia	انفصام الشخصية
Depressive mania	مرض الانقباض النفسي
Epilepsy	الصرع
Nervous diseases	الأمراض العصبية
Serious addiction to alcohol	الإدمان الشديد على الخمر

Grave physical defects	العيوب الجثمانية الجسيمة
Blindness and deafness	العمى والصمم
<u>Simultaneous to birth</u>	المقارنين للولادة
Technical courts of specialized physicians	محاكم فنية من أطباء متخصصين
Heirs	ورثة
Compensative role	دور تعويضي
Descendant	خلف
Pregnancy	الحمل
Embryo	الجنين
<u>B-Prevention of animating factors</u>	الوقاية من العوامل المهيئة
Standard of life	مستوى المعيشة
Misery	البؤس
Unemployment	البطالة
Tiny wage	الأجر الضئيل
Charity	البر
Subsidy	معونة
Gratuitous	مجاني
Medicament	مداواة
Enlightenment	تنوير أو توعية
Consciousness	وعي
Entertainment	تلهية
Leisure time	وقت الفراغ
Furnishing	تأثيث
Impediments	موانع
Dissipation	تبديد
Jobs polluted atmospheres	الأجواء المهنية الملوثة
Press	صحافة
Expansion of preaching	نشر الوعظ

Agglomerations	تكتلات أو تجمعات
Adversity	مخاصمة أو معادة
Vagrants	المتشردون
Suspected persons	الأشخاص المشتبه فيهم
Perpetration	اقتراف – ارتكاب
<u>C- Prevention of juveniles' deviation</u>	الوقاية من انحراف الصغار
Puzzled	حائر
Obstinate	عنيد
Arrogant	متبجح
To precipitate	يتزلق – يندفع
Lukewarmness	فتور
Proceeds	عائدات
To underestimate	يغض من شأن
Negligible	جدير بالإهمال
Accidental childish frivolousness	رعونة صبيانية عارضة
Fourfold	رباعي
Adaptable to	متلائم مع
Aptitude	مقدرة
Theoretical	نظري
Till	حتى
Undergo	يتحمل
Feminine police	بوليس نسائي
To consign	يسلم
Immoral	لا أخلاقي
Impressive	موحي
To warrant	يكفل أو يضمن
<u>D-The police role</u>	دور البوليس
Apprehending criminals	القبض على المجرمين
Peaceful settlement of any dispute	الفض السلمي لأي نزاع

Trap	كمين
Fugitives	هاربون
Usurers	المقرضون بالربا
To exploit	يستغل
Police supervision	مراقبة البوليس
Lie	الكذب
Reticence	الكتمان
Fermented idea	فكرة مختمرة
Removal	استبعاد أو إزالة
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